

352.0747
R660r
1919

Rome, N. Y. - Badenweiler, etc.

CHARTER

OF THE

CITY OF ROME



SPECIAL ACTS AND
ORDINANCES

Rome, N. Y. -- Ordinances
"

CHARTER

OF THE

CITY OF ROME, N. Y.

SPECIAL ACTS

AND CITY ORDINANCES

ROME SENTINEL CO., PRINTERS



ROME, N Y

352.0747
R 66 50
1919

LIBRARY
PROPERTY OF HARVARD
UNIVERSITY

Charter of the City of Rome

Chapter 650, Laws of 1904

as amended by Chapter 14, Laws of 1905, Chapter 468, Laws of 1905, Chapter 651, Laws of 1906, Chapter 327, Laws of 1907, Chapter 245, Laws of 1908, Chapter 575, Laws of 1909, Chapter 576, Laws of 1909, Chapter 333, Laws of 1910, Chapter 131, Laws of 1911, Chapter 703, Laws of 1911, Chapter 327, Laws of 1912, Chapter 442, Laws of 1912, Chapter 443, Laws of 1912, Chapter 571, Laws of 1915, Chapter 573, Laws of 1915, Chapter 161, Laws of 1916, Chapter 424, Laws of 1917, Chapter 542, Laws of 1918, Chapter 488, Laws of 1918.

Entitled "An ACT to revise the charter of the city of Rome".
Passed without the acceptance of the city.

Became a law May 9, 1904, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows.

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

Section 1. The district of the country, in the county of Oneida, included within the boundaries described in the next section shall be a city by the name of "Rome", and the citizens of this state, from time to time inhabitants within the said boundaries, shall be a corporation by the name of "The city of Rome", and as such in that name may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real or personal estate as the purposes of the corporation may re-

451062

22 p. 1-12

Dir. 9.

1 Nov. '20

quire. All the real estate or interest in real estate and the personal property now owned or possessed by or held in the name of the city of Rome, are hereby vested in the city of Rome, with power to hold or convey the same as the purposes of said corporation may require. The said corporation shall also have the powers and privileges conferred by the statutes of this state upon cities of its class as well as those conferred by this act.

Sec 2. The said city shall be divided in seven wards respectively as follows, namely:

First Ward—All that part of said city bounded as follows: Beginning at a point in the city of Rome where the center line of James street intersects the center line of Stanwix street; thence easterly along the center line of Stanwix street to the intersection thereof with the center line of Saint Peter's avenue; thence easterly along the center line of Saint Peter's avenue to the end thereof; thence easterly in a straight line to a point where the line of said city and town of Floyd is intersected by the center line of East Dominick street, or the River road (so-called); thence southerly along said line of the city of Rome and town of Floyd to the center line of the Mohawk River; thence running up said river and the center thereof to the center line of Dominick street; thence westerly along the center line of Dominick street to the intersection thereof with the center line of James street; thence northerly along the center line of James street to the intersection thereof with the center line of Stanwix street to the place of beginning, shall comprise the first ward.

Second Ward—All that part of said city bounded as follows, namely: Lying south of the first ward and east of a line commencing at the intersection of said James and Dominick streets, and running along the center of said James street and the Madison plank road to the intersection of said plank road with the road to Verona village at the former Oneida county poorhouse, and thence along the center of said Verona road to the city line, shall comprise the second ward.

Third Ward—All that part of said city described as follows, namely: Lying westerly of the second ward and southerly of a line commencing at the intersection of said James and Dominick street produced along the center of the highway to the junction of the Rome and Taberg and former Rome and Oswego plank roads; thence running along the center of said last named road to the city line, shall comprise the third ward.

Fourth Ward—All that part of said city described as follows, namely: Lying northerly of the third ward and westerly of a line commencing at the center of said Dominick street and George street in the former village of Rome; running thence up the center of said George street to Thomas street in said village; thence running along the center of said Thomas street to the Cemetery road (so-called); thence along the line in the center of said Cemetery road produced to the line of said city and the town of Lee, near the hotel formerly owned or occupied by William H. Smith, at Lee Line (so-called), shall comprise the fourth ward.

Fifth Ward—All that part of said city described as follows, namely: Beginning at a point in the center line of Washington street intersected by the center line of Liberty street, running thence northerly along the center line of Washington street to its intersection with the center line of Garden street to its intersection with the center line of Turin road; thence northerly along the center line of Turin road to its intersection with the line of the city of Rome and town of Lee; thence westerly along said last mentioned lines to the point of its intersection with the Cemetery road (so-called); thence southerly along the center line of said Cemetery road to its intersection with the center line of Thomas street; thence easterly along the center line of Thomas street to its intersection with the center line of George street; thence southerly along the center line of George street to its intersection with the center line of Liberty street; thence easterly along the center line of Liberty street to its intersection with the center line of Washington street, the point and place of beginning, shall comprise the fifth ward.

Sixth Ward—All that part of said city described as follows, namely: Beginning at a point at the intersection of James and Dominick streets, running thence northerly along the center of James street to the intersection thereof with the Wright Settlement road near the Ridge Mills; thence along the center of the Wright Settlement road and the Watson Hollow road to the line of the city of Rome and town of Floyd; thence northerly along said line to the line of the city of Rome and town of Western; thence westerly along said last mentioned line and the line of the city of Rome and town of Lee to the center of Turin road; thence southerly along the center of said Turin road to its intersection with the center line of Garden street; thence easterly along the center line of Garden street to its intersection with the center line of Washington street; thence southerly along the center line of Washington street to its intersection with the center line of Liberty street; thence westerly along the center line of Liberty street to its intersection with the center line of Gorge street; thence southerly along the center line of George street to its intersection with the center line of Dominick street; thence easterly along the center line of Dominick street to its intersection with the center line of James street, the place of beginning, shall comprise the sixth ward.

Seventh Ward—All that part of said city described as follows, namely: Beginning at a point at the intersection of James and Stanwix streets, in the city of Rome, running thence along the center of said James street to the intersection thereof with the Wright Settlement road, near the Ridge Mills; thence along the center of the Wright Settlement road and the Watson Hollow road to the line of said city and the town of Floyd; thence running along said line southerly to a point where said line is intersected by the center line of East Dominick street, or the River road (so-called); thence westerly in a straight line to a point in the center line of the easterly end of Saint Peter's avenue; thence westerly along the center line of Saint Peter's avenue to the intersection thereof with the center line of Stanwix street; thence westerly along the center line of Stanwix street to the intersection thereof with

the center line of James street, the place of beginning, shall comprise the seventh ward.

Sec. 3. That portion of said city comprised within the following limits shall be known and designated as the "Corporation Tax District", namely: Beginning at the northwest corner of the Saint Peter's Catholic Cemetery as it existed in the year eighteen hundred and seventy, on the southerly line of Dominick street, and running thence in a straight line to the point where the northerly line of Bloomfield street extended strikes the northerly margin of the Mohawk River; thence northwesterly through the point where the center of the highway known as the Floyd road intersects the division line between the lands owned in eighteen hundred and seventy by John Stryker and Edward and Benjamin N. Huntington, lying on the southerly side of said road to the easterly line of appropriation of the Black River Canal; thence westerly to the point of intersection of the center line of the Turin road with the center line of Jay street extended; thence westerly to the intersection of the center line of the Cemetery road with the center line of a highway leading from said road southerly past the "pesthouse" (so-called) to Dominick street; thence westerly to the point where the northerly line of Liberty street intersects the line between subdivision lots numbers five and six in great lot number three of the fourth allotment of the Oriskany patent (being the line between the lands of Jacob Bell and the estate of Valentine Bowers, deceased); thence southerly along the last mentioned line extending to a point ten rods southerly (measured on said line) from the southerly appropriation line of the Erie canal; thence easterly to the point where the southerly line of the late village of Rome intersects the center line of James street; thence in a straight line easterly to the south corner of the late village of Rome (being a point due south eighty rods from the entrance of the old canal feeder into the Erie canal); thence easterly to the southwest corner of the said Saint Peter's Catholic Cemetery, as it existed in eighteen hundred and seventy; thence along the west line of said cemetery to the place of beginning.

TITLE II.**CITY AND WARD OFFICERS—THEIR ELECTION AND APPOINTMENT.**

Sec. 4. On the thirty-first day of December, nineteen hundred and four, the respective terms of office of the recorder, the fifteen aldermen, the five supervisors, the four justices of the peace, the five highway commissioners and four constables heretofore elected in and for the city of Rome, and now serving as such respectively, shall cease and terminate, and the respective offices of recorder, justices of the peace and highway commissioners as such shall be abolished. The first election for city officers under this act shall be held at the general election in the fall of nineteen hundred and four. From and after January first, nineteen hundred and five, said city and its affairs shall be managed and conducted in the manner and form and by the officers whose election or appointment is provided for in this act.

Sec. 5. From and after January first, nineteen hundred and five, the elective officers of the city shall be a mayor, a president of the Common Council, a city judge, a special city judge, a city treasurer, a city clerk and two constables who shall be elected by the city at large, and one alderman and one supervisor to be elected in each ward of said city. The election of all city and ward officers shall be governed by the general election law of the state. The appointive officers of the city shall be a city attorney, city hall janitor, a sealer of weights and measures, a poundmaster, three assessors, four commissioners of public works, four commissioners of water and sewers, four commissioners of fire and police, four commissioners of health, four commissioners of charity and such other non-elective officers as shall or may be required by general law. All appointive officers shall be appointed by the mayor, except as herein otherwise provided. Not more than two of the members of any of the aforesaid administrative boards shall belong to the same political party or organization.

Sec. 5-a. (Added by Chapter 542, Laws of 1918). A superintendent of highways, who shall be a resident of the city outside the corporation tax district, shall be elected at the general election in the year nineteen hundred and eighteen and at such election every two years thereafter, by the qualified electors of the city residing outside of such district. The term of office of the superintendent of highways shall be two years from and including the first day of January next succeeding his election. The superintendent in office, by appointment, under the former provisions of section eighty, shall cease to hold office, and his powers and duties shall terminate on the thirty-first day of December, nineteen hundred and eighteen; but a vacancy in such office occurring before that day may be filled by the board of public works, by appointment, to expire on that day. Ballots shall be supplied to the inspectors of election, in any election district, and by them delivered to electors, in such manner that the names of candidates for such office shall appear only upon ballots delivered to electors residing outside of the corporation tax district. Nominations for such office shall be made and certified in time and manner as provided by law for nominations of town officers to be voted for at a general election; and for such purpose the part of the city outside of such tax district shall be regarded as a town, except that the certificate of nomination shall be filed only with the board or officer chargeable by law with the duty of preparing ballots for such election. Vacancies in such office, after January first, nineteen hundred and nineteen, shall be filled in the manner provided in section ten for filling vacancies in other elective offices. The superintendent of highways so elected, and the superintendent appointed prior thereto under the former provisions of section eighty, until he shall cease to hold office as above provided, shall, under the direction and control of the board of public works, have the care and superintendence and repair, and keep in order the highways and bridges in that part of the city situate outside the corporation tax district. Such superintendent may appoint and employ such labor and servants as may be necessary for the repair and maintenance of such highways and bridges. After January first, nineteen hundred and nineteen, he shall receive an annual salary of twelve

hundred dollars; until that date, the superintendent heretofore appointed shall receive the compensation fixed by the board of public works.

Sec. 6. (As amended by Chapter 703, Laws of 1911, and Chapter 542, Laws of 1918). The term of office of the elective officers shall commence on the first day of January next succeeding their election, and, except as herein provided, shall be for the following terms: The mayor, president of the common council and constables two years each; the city judge, special city judge, city treasurer and city clerk four years each; the aldermen and supervisors two years each. The term of the present incumbent of the office of mayor shall expire on December thirty-first, nineteen hundred and five, and his successor shall be elected at the general election preceding that date and every two years thereafter. The supervisors first elected under this act shall hold their office for a term of three years from January first, nineteen hundred and five, and their successors shall hold for the terms of two years as above provided. The terms of office of the appointive officers of the city shall be as follows: The assessors three years, the city engineer, the city attorney, the poundmaster, one year each; and the commissioners of public works, commissioners of water and sewers, commissioners of fire and police, commissioners of health and commissioners of charity four years each. The city hall janitor and the sealer of weights and measures shall hold office during good behavior and shall be removed from office only upon charges in writing of illegal, corrupt or otherwise improper conduct, upon which charges the accused shall have an opportunity to be heard in his defense.

Sec. 7. At the first election for city officers held under this act said aldermen shall be elected as follows: The aldermen for the first, third and fifth wards of the city for a term of one year from January first, nineteen hundred and five, and at such election and in each even numbered year thereafter the aldermen for the second, fourth, sixth and seventh wards shall be elected for two years from January first, nineteen hundred and five, and at the general election held in the

city in November, nineteen hundred and five, and in each odd numbered year thereafter, the aldermen for the first, third and fifth wards shall be elected for a term of two years from the first day of January next succeeding their said election.

Sec. 8. (As amended by Chapter 424, Laws of 1917). The common council shall convene on the Tuesday next succeeding the election in November at eight o'clock in the evening at their usual place of meeting, and shall thereupon organize as a city board of canvassers of the election returns, and the statement of the votes filed with the city clerk by the inspectors of election shall be produced by the city clerk; the common council acting as such board of canvassers shall forthwith determine, declare and certify in the manner provided by law, who are duly elected at said election to the various city offices; they shall make duplicate certificates of such election, one of which shall be filed with the clerk of Oneida county, the other with the city clerk. All the provisions of the election law as to the powers, duties and procedure of a county board of canvassers and their secretaries, shall so far as pertinent, be applicable to said city board of canvassers, and shall regulate and control it in the discharge of its duties, and any error in its determination or statements may be corrected in the manner and by the procedure provided by the election law.

Sec. 9. The following officers appointed by the mayor shall hold office for a term of four years: Four commissioners constituting the board of public works, four commissioners constituting the board of water and sewers, four commissioners constituting the board of fire and police, four commissioners constituting the board of health and four commissioners constituting the board of charity. The commissioners now constituting the board of water and sewers shall continue in office until the expiration of their respective terms. The term of office of the members now serving of each of the other administrative boards named in this act shall cease and terminate on the thirty-first day of December, nineteen hundred and four. Upon the first appointment under this act of the commissioners of each of said boards of public works, fire and

police, health and charity, the mayor shall appoint one commissioner each for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years. The mayor shall also then appoint one assessor for one year, one for two years and one for three years. The term of office of such commissioners of public works, fire and police, health and charity, and the assessors to commence on the first day of January, nineteen hundred and five.

Sec. 10. If a vacancy shall happen in any elective office the mayor shall fill the same by appointment until the next annual election, when the residue of the term of office, if there shall be any unexpired, shall be filled by some person to be elected to such office for the residue of the term, according to the provisions of this act. If any vacancy shall happen in any appointive office, the same shall be filled for the unexpired term in the same manner as the original appointment.

Sec. 11. The governor of the state may remove the mayor from office at any time upon presentation of charges against him and after opportunity for him to be heard thereon. All elective officers except the mayor, shall be removable by the common council on charges after hearing as hereinafter provided.

Sec. 12. Every person elected or appointed to any office shall before assuming the same, take the oath of office prescribed by the constitution before some officer authorized by law to take affidavits and file the same in the office of the city clerk, and every person who shall omit to take and file his oath of office within twenty days after personal service in writing of a notice from the city clerk of his election or appointment, shall be deemed to have declined the office, and the office shall be deemed vacant.

Sec. 13. (As amended by Chapter 542, Laws of 1918). Every person elected or appointed to any office under this act, except the city engineer, shall at the time of his election or appointment be an elector in and a resident of the city, excepting as herein otherwise provided; and every person elected by

a ward shall be a resident thereof; the removal of any officer of the city therefrom or any officer elected by a ward from the ward wherein he shall have been elected, shall create a vacancy in his office. Except as herein otherwise provided, no person shall hold two city offices at the same time, except employees of the board of health who may hold more than one position of said board.

Sec. 14. Upon the appointment of any officer by the mayor he shall forthwith file a certificate of such appointment with the city clerk, who shall immediately after the filing thereof give notice in writing to each person appointed or elected to the office of his appointment or election as the case may be.

Sec. 15. All officers elected or appointed under this act shall hold their respective offices until their successors have been duly elected or appointed and have qualified.

Sec. 16. Every person residing in said city who shall at the time and place of offering his vote be qualified to vote for member of assembly, shall be entitled to vote for city officers to be elected by virtue of this act, in the ward or district in which he shall be qualified.

Sec. 17. The city clerk shall report to the mayor in writing the names of all persons elected or appointed to any office, who shall have neglected to qualify according to the requirements of this act within ten days after such neglect.

Sec. 18. The resignation by any officer elected or appointed under this act, shall be made to the mayor, who shall, in case the office resigned shall be an elective office, report the same to the common council at its next meeting. The mayor shall have power to remove any appointive officer of the city upon charges in writing of illegal, corrupt or otherwise improper conduct, upon which charges the accused shall have an opportunity to be heard in his defense. Pending such hearing the mayor may suspend such officer.

Sec. 19. Whenever any appointive city officer shall from

any cause be temporarily disqualified to perform the duties of his office, the mayor may suspend such officer and appoint a qualified person to fill such office until such disqualification be removed and any person so appointed shall possess all the powers, perform all the duties and be subject to all the obligations of the official whose office he shall be appointed to fill, and shall qualify in like manner.

Sec. 20. If any officer who may be required by any of the provisions of this act or by ordinance of the common council, to execute any bond or other instrument before or after entering upon his office, should fail to execute the same in the manner prescribed by this act or by such ordinance within ten days after he shall have been duly notified to do so, in case the office be an elective one the common council, and in case it be an appointive one the mayor, may declare his office vacant, and the same shall be filled in the same manner provided by this act in cases of vacancies in office.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Sec. 21. (As amended by Chapter 576, Laws of 1909, and re-enacted by Chapter 542, Laws of 1918). The aldermen of the city shall constitute the common council thereof, and the president of the common council shall be its presiding officer. Each alderman shall receive for his services an annual salary of one hundred and fifty dollars.

Sec. 22. In the proceedings of the common council each alderman shall have one vote, and the president of the common council shall have a casting vote when the votes of other members are tied.

Sec. 23. A majority of the members of the common council shall constitute a quorum, and for this purpose the president of the common council shall be deemed a member thereof. The president of the common council or other presiding offi-

cer shall determine a quorum by counting the members present. No business shall be transacted unless a quorum be present.

Sec. 24. The common council shall hold regular meetings at least once in each month; the mayor, president of the common council or any three aldermen may call special meetings by notice in writing, served personally upon the aldermen and the president of the common council, or left at their respective residences or places of business, or mailed to their respective post office addresses; a mailed notice must be deposited in the post office at least twenty-four hours before the time set for the holding of the special meeting.

Sec. 25. The meetings of the common council shall be held at the city hall or at such other places as the council may by resolution determine, and, except when the public interest requires secrecy, shall be public; minutes of their proceedings shall be kept by the city clerk, and shall, during office hours, be open to public inspection.

Sec. 26. The president of the common council shall when present, preside at the meeting thereof, and shall have power to preserve order in the council chamber; in his absence the council shall choose from their number a temporary chairman, whose powers as such shall be confined to presiding on the occasion of such absence.

Sec. 27. The common council shall have power, subject to the provisions of this act, to determine the rules of its own proceedings, to compel the attendance of members by fine or otherwise, and shall be the judge of the election and qualification of its own members.

Sec. 28. Every resolution of the common council, except such as relates to the order of business, the rules of its proceedings, or the appointment and trial of officers, and every ordinance before it takes effect, shall be forthwith presented to the mayor, duly certified by the city clerk; if the mayor approves it, he shall sign it and upon such approval the same

shall take effect immediately; if he disapprove it, he shall return it with his objections in writing and file the same with the city clerk within five days (Sundays excepted) after he receives it; the city clerk shall present the same with such objections to the common council at its next meeting and the common council shall cause such objections to be entered at length on the minutes at the next regular meeting after the filing of such veto as aforesaid, or at a special meeting called within ten days after such filing, the common council may pass such ordinance or resolution over the mayor's veto by the concurring vote of two-thirds of all the members in office, taken by ayes and nays and entered on the minutes, in which case it shall take effect. If such resolution or ordinance shall not be returned by the mayor within five days (Sundays excepted) after he shall have received it, it shall take effect in like manner as if he had signed it. The city clerk shall upon its enactment cause every ordinance to be published in the official newspapers of the city for such time as the common council shall by resolution provide.

Sec. 29. (As amended by Chapter 651 Laws of 1906). The common council shall have power to enforce obedience to all the ordinances passed by it, ordaining penalties for every violation thereof, not exceeding a fine of fifty dollars for any one offense.

Sec. 30. The common council shall have the management and control of the finances and of all the property real and personal belonging to the city except as otherwise provided by this act or by any other provision of law not inconsistent herewith. The common council shall have power to determine the amount of expenditures each year to be made by any administrative board except as herein otherwise provided.

Sec. 31. The common council shall have the management and control of the city hall and the power to designate the rooms therein which shall be occupied by the several boards or officers of the city; all moneys necessarily expended by the common council in the care and maintenance of such city shall be paid from the general city fund.

Sec. 32. No member or committee of the common council shall have power to employ any person, incur any expense or purchase any materials for or in behalf of the city or any of its officers, boards or departments, except as provided by resolution of the common council.

Sec. 33. The standing committees of the common council shall be appointed by the president of the common council.

Sec. 34. The legislative powers of the city shall be vested in the common council and the powers of the common council shall be legislative only, except as otherwise provided by this act and any other provision of law not inconsistent herewith. The common council shall have all the powers conferred upon it by this act and by the general laws of the state.

Sec. 35. (As amended by Chapter 651 Laws of 1906). The common council shall have the power to provide by ordinance or resolution for the enforcement of the powers hereby expressly granted to it or to any of the boards or officers of the city, where the method of the execution of the powers is not herein expressly prescribed, and shall have power to pass any ordinance or resolution not repugnant to the constitution or the laws of this state, not prohibited herein or inconsistent herewith, for any local purpose pertaining to the government of the city, the management of its business, the preservation of order, peace, health, safety and welfare of the city and the inhabitants thereof, and shall have such powers of legislation by ordinance or resolution as are conferred upon it by this act or by any other law; but this general provision shall not be construed to authorize the raising or expenditure of money, excepting as herein expressly provided; and for these purposes the common council shall have the power particularly to enact ordinances for the following purposes:

1. To restrain public vice and immorality, to preserve peace and good order, to restrain and quell riots and disorderly assemblages and to prevent any noise or disturbance.
2. To restrain and suppress disorderly and gaming houses

and houses of illfame, to prohibit and require the destruction of all instruments and devices used for gaming; to regulate the use of billiard tables, bowling alleys, pistol galleries and to prohibit all exhibitions of any natural or artificial curiosities, caravans, circuses, theatrical or other shows, concert saloons, exhibitions or performances free or for money, or to license the same upon such terms as the common council may determine; to punish vagrants, mendicants, common prostitutes, street beggars and disorderly persons and to suppress and to punish drunkenness and disorderly conduct in the public streets and places.

3. To suppress horse racing and immoderate driving or riding, to regulate the speed at which persons may drive or ride in the streets or highways of the city; to regulate and control the rate of speed at which street cars, velocipedes, tricycles, bicycles or other vehicles may be run, and to regulate or suppress the riding thereof upon the sidewalks of such streets or public places as the Common Council may determine; to prohibit every game, practice or amusement in the public streets or elsewhere, having the tendency to frighten teams and horses or to injure or annoy persons passing in or along the streets of the city, or to injure property and to regulate the passage of traction or other engines upon the streets; to prohibit bathing, or to determine the time, manner and places of bathing in the river, streams or ponds within the city and to regulate the care of horses upon the streets.

4. To establish and regulate public pounds and to prescribe the fees and duties of the pound master; to restrain the running at large of cattle, horses, swine, sheep, goats and fowl and to authorize the restraining, impounding and sale of the same for the penalty incurred and the costs of keeping and proceedings; to make regulations for taxing and confining dogs and for destroying such as may be found at large, and to regulate or restrain their running at large.

5. To suppress or regulate the ringing or tolling of bells, blowing of steam whistles or horns or the firing of guns,

powder or other explosives and the making of any improper noise which may tend to disturb the peace of the city, and to regulate the sale and use of firecrackers, rockets, squibs or other explosives.

6. To compel all persons to remove snow, ice, dirt or other obstructions from the sidewalks in front of the premises owned or occupied by them; to prevent incumbering the streets, sidewalks, lanes, alleys and public squares within said city; to permit building material to be deposited on the street in front of any lot for such time as the Common Council may prescribe; to prohibit the gathering or assemblage of persons upon the public streets or parks, to authorize the police to disperse all such gatherings or assemblages of persons and to restrain any person or persons from obstructing any of the sidewalks of the city; to restrain encroachments upon the streets, public squares, parks or public property and obstructions to the free use of the same and to regulate the placing of signs, sign posts, awning posts, hitching posts, horse troughs and horse blocks upon the streets; to prohibit and regulate the erection of poles, wires, cables or other conductors for the transmission of electric currents.

7. To regulate and restrain hawking and peddling in the streets; to regulate, tax or license pawnbrokers and auctioneers and the sale of goods at auction upon the streets or public places of the city; to regulate the time, place and manner of vending meat, fish and vegetables; to regulate or prohibit the making or keeping of markets for the sale of meat or fish, except at such places as the Common Council shall designate, and to regulate the vending and peddling of milk and water; to regulate or prohibit the erection, keeping or using of slaughter houses in said city; to establish public markets and to regulate and control the same; to regulate and prescribe the place of weighing hay, straw or coal and of marketing the same, and of marketing wood, grain or other commodities; to appoint weighers and measurers, limit their fees and prohibit and prevent the offering for sale of any such commodities in any public street of the city without the same having

been weighed or measured and to require such weight and measure to be made known to the purchasers; to regulate the inspection and sealing of weights and measures, and to enforce the keeping and use of proper weights and measures within the city.

8. To license and regulate cabmen, expressmen, truckmen, drivers of hackney carriages, stages and omnibuses or other conveyances for the transportation of passengers and baggage, and to fix their rates of compensation; to regulate runners or solicitors of stages, railroads, hotels, public houses or other establishments.

9. To provide for the care, protection and safety of public property; to prescribe the location of all houses for storing gunpowder or other combustible and explosive substances, and to regulate the keeping, selling or conveyance thereof, and the use of candles and lights in barns, stables and outbuildings; to prescribe the limits within which the erection or placing of wooden buildings shall be prohibited; to regulate the erecting of buildings within said limits and to prescribe the materials of which they may be constructed; to prevent the injury or defacement of fences, posts and buildings in said city, and to protect the parks and public grounds of said city; to regulate the width of tires of draught wagons (the term "draught wagon" shall mean a wagon to carry a load of twelve hundred pounds or more).

10. To prevent rubbish, carcasses of animals or any nauseous or improper substances from being deposited upon the shores or banks of the river or within the said city; to prescribe a place for dumping and depositing refuse matter; to provide for and regulate the collection or removal of swill, garbage or refuse; to determine what are nuisances and to require their abatement.

11. To regulate and control the use of public storm water sewers in said city; to prevent the discharge of water from any building, yard or alley, through a leader or otherwise

over a sidewalk on any street or section of a street, through which a public sewer is maintained.

12. To license and regulate bill posting, bill distributing and sign advertising.

13. To regulate the burial of the dead; to protect the public cemeteries and to regulate and restrict the extension of cemeteries and burial grounds.

14. To regulate the planting, removal, trimming or care of shade and ornamental trees along the streets and sidewalks of said city, and to prevent the injury or destruction thereof.

15. To regulate or restrain the obstruction of streets by locomotives and cars; to prescribe and regulate the rate of speed at which cars and locomotives may run in said city; to require railroad companies to erect gates at crossings at grade in said city, to compel the employment by them of competent men to attend the same, and to make regulations for the management thereof, or to compel the employment of competent flagmen at such crossings as the common council may direct.

16. To enact all such ordinances as may be necessary to carry into effect any general power or discharge any duty conferred or imposed by this act.

Sec. 36. The common council shall have power to modify, rescind, amend or repeal any ordinances enacted by it.

Sec. 37. The city may maintain an action to restrain by injunction the violation of any ordinance passed by the common council, notwithstanding such ordinance may provide a penalty for such violation.

Sec. 38. Every ordinance shall, within a reasonable time after its passage as herein provided, be recorded in a book kept for that purpose by the city clerk; such record shall include the signature of the president, the attestation of the clerk, and the mayor's written approval, or in case of his

disapproval, a memorandum of its passage over his veto or in case the ordinance took effect because he failed to approve or disapprove and return it within five days, then a memorandum to that effect. Such record or a certified copy thereof shall be presumptive evidence of the passage of any ordinance in any court.

Sec. 39. No ordinance shall be passed by the common council on the same day on which it is introduced except by unanimous consent, and no appropriation of any moneys shall be made for any purpose except by an ordinance or resolution passed by a majority of all the members, specifying by items the amount thereof, and the board or specific purpose for which the appropriation is made; and no resolution or ordinance shall be passed making or authorizing the sale or lease of city real estate belonging to or under the control of the city, except by the vote of two-thirds of all the members of the common council; and in case of the sale of real estate the resolution must provide for a disposition under proper regulations for the protection of the city, at public auction, after public notice, to the highest bidder.

Sec. 40. (As amended by Chapter 468, Laws of 1905). Whenever any executive or administrative function shall be required to be performed by any ordinance or resolution of the common council, the same shall be performed by the proper executive or administrative officer of the board designated in the ordinance or resolution, and in case no such designation be made the mayor shall make the same.

Sec. 41. The common council may, by ordinance not inconsistent with the provisions of this act, or the laws of the state, regulate the powers and duties of any city officer; and it shall have power to investigate all city officers and boards and shall have access to all records and papers kept by any city officer or board; and shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of the common council or any of the committees thereof, and for that purpose may issue

subpoenas signed by its president; the common council shall also have power to provide for the enforcement by ordinance of any regulation of any administrative board for the conduct of the affairs committed to said board.

Sec. 42. (As amended by Chapter 442, Laws of 1912). The common council shall have power, and it shall be its duty at the first meeting in January in each year, to designate one official newspaper for the publication of official notices, and such other matters as are required by this act or any other statute, to be published at the city's expense. The paper so designated shall be published in the city of Rome, and regard shall be had to its regular and general circulation in said city, copies free to recipients being eliminated in computing said circulation. The common council may prescribe the form in which the proceedings and reports of the city officers, boards and departments shall be issued, and the printing and binding of the same shall be performed under contract awarded by the common council. Whenever any part of this act now requires any publication in two or more official newspapers, publication in one official newspaper shall be sufficient.

Sec. 43. All the funds of the city not expressly placed in the control of any board shall be under the control of the common council, and no moneys shall be paid out of such funds by the city treasurer except upon warrants drawn by said common council upon the treasurer and signed by the president of the common council, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and from what fund it is to be made, with a reference to the resolution authorizing the payment, specifying the date thereof.

Sec. 44. The common council shall have the power, subject to the general laws of the state, in the manner provided in this act, to grant franchises to take effect only in the city.

Sec. 45. The common council is hereby authorized and is granted power, from time to time, to annex and make any

part of the territory of said city, not by this act described as being within the corporation tax district and contiguous to said district, a portion of such district, whenever a majority of the property owners in value of the lands and real estate and residents so proposed to be annexed, according to the valuation of the last preceding assessment roll as to such property, shall petition the same, or whenever the common council shall elect, after notice duly published as herein provided for the publication of notices of special elections, addressed generally to the residents and property owners of the territory therein described as proposed to be annexed, of such intention, and an opportunity given to be heard in opposition; but the common council may nevertheless by a majority vote annex the same, and it shall on such vote become a part of such district and thereafter all the provisions of this act relating to the portion of the city within the corporation tax district created hereby, shall govern the territory so annexed.

TITLE IV.

CITY OFFICERS—THEIR POWERS AND DUTIES.

Sec. 46. (As amended by Chapter 468, Laws of 1905, and Chapter 542, Laws of 1918). The mayor of the city of Rome shall be the chief executive officer thereof. He shall have and exercise all the powers conferred upon mayors of cities by any general law and all the powers conferred upon him by this act. It shall be his duty to enforce all the laws governing the city and the ordinances and resolutions passed by the common council. He shall be the executive head of the fire and police departments of the city and shall have the power to call out and command the police and fire departments whenever in his discretion he shall deem it necessary. He shall have the right to veto all resolutions, ordinances and acts of the common council within five days (Sundays excepted) after a certified copy thereof shall have been presented to him by the city clerk, except such as relate to the organization of the common council and procedure therein, and the appointment and trial of officers. He may likewise veto any separate items of any ordinance

or resolution providing for the expenditure of money or any separate portion of any such ordinance or resolution relating to a separate subject; he shall within five days (Sundays excepted) after the receipt of a certified copy of such resolution or ordinance transmit to the common council in writing his veto thereof and his reasons therefor by filing the same with the city clerk. It shall be his duty from time to time, as the public interests require, to communicate with the common council orally or in writing upon any subject of which it has jurisdiction and he shall have power to recommend to the common council or to any of the administrative boards of the city, from time to time, such measures as he shall deem necessary or expedient for it or them to adopt and he shall transmit to the common council at its first meeting in January in each year a statement of the general affairs of the city in relation to its finances, government and improvement with such recommendations as he may deem proper. He shall, except as herein otherwise provided, sign all leases, deeds, contracts and other papers made and entered into by the city and cause to be affixed thereto the city seal and shall issue all licenses authorized by the common council. It shall be his duty and he shall have the power to make all necessary investigations into the conduct of all officers of the city and of all boards thereof. He may compel the attendance of witnesses and the production of books and papers at such investigations by subpoena issued under his hand, and his subpoena shall have the force and effect of a subpoena issued out of the supreme court; he shall have power to prefer charges against all elective officers of the said city for malfeasance, non-feasance, or other misconduct in the discharge of their respective official duties, and to present the same to the common council; he shall make appointments to office, authorized to be made by him, without unreasonable delay. The mayor shall receive for his services an annual salary of five hundred dollars until December thirty-first, nineteen hundred and eighteen, and thereafter shall receive for his services an annual salary of fifteen hundred dollars.

Sec. 47. (As amended by Chapter 468, Laws of 1905, and re-enacted by Chapter 542, Laws of 1918). The president of the

common council shall preside at its meetings and have a casting vote on all questions arising therein only when the vote of the other members are tied; in case of the temporary absence or disability of the mayor, he shall be acting mayor of the city, but without the power to appoint; and if a vacancy in the office of mayor shall occur, he shall be the mayor of the city for the residue of the mayor's term, in which case the common council shall elect one of its members president of the common council for the residue of the term. The president of the common council shall receive such reasonable compensation by the day for the services actually performed by him as a member of the board of review of assessments as the common council shall determine, not exceeding two hundred dollars annually.

Sec. 48. (As amended by Chapter 703, Laws of 1911, and Chapter 424, Laws of 1917). The city treasurer shall be the fiscal officer of the city; he shall perform the duties, possess the powers and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this act; he shall be the collector of all taxes and assessments within the limits of the city and he shall receive, keep and disburse all moneys belonging to the city and to every board thereof. It shall be his duty to collect all moneys due the city, including taxes and assessments, with due diligence and any neglect in so doing shall be cause for his removal from office. He shall pay no moneys from the treasury of the city excepting upon warrants signed as herein provided, specifying from what fund and for what purpose the amount named therein is payable, together with the date of the resolution authorizing the payment thereof; he shall file all such warrants and keep a complete system of double entry book account of all the financial affairs of the city. The common council shall at its first meeting in each year designate some incorporated bank or banks located in the city of Rome for the deposit of all moneys belonging to such city and shall notify the treasurer of such designation; a bank once designated shall continue to be the place of deposit until another shall be designated. Every bank designated as a depository of city funds pursuant to this section shall execute a bond to the city with such sureties and for such an amount as

the common council shall determine. The city treasurer shall deposit to the credit of the city of Rome once in each day all moneys in his hands excepting one hundred dollars or less in such bank or banks as the common council shall have designated, as above provided. All interest allowed by such bank or banks upon any money so deposited shall belong to the city and be credited to the city by said bank or banks. The city treasurer shall present to the common council at its first meeting in each month a statement of the aggregate receipts and disbursements on account of each fund of the city during the preceding month and the balance on hand belonging to each fund of the city, and such statement shall be filed with the city clerk; he shall also at the end of each month present to each of the administrative boards of the city a statement of the aggregate receipts and disbursements during the preceding month on account of the fund set apart for such boards. He shall exhibit to the common council at its last meeting in each year a full account of all receipts and payments after the date of the last annual report of the treasurer and also the state of the city treasury, and such report shall be printed and published in the official papers. The treasurer shall not overdraw any fund but when any fund is exhausted shall notify the city clerk, who shall notify the board whose funds may be exhausted; each of the funds created by virtue of the provisions of this act shall be kept inviolate and devoted to the purposes for which it is created and no moneys shall be drawn from any fund to supply deficiency in any other fund. The salary of the city treasurer shall be fixed by the common council at not to exceed eighteen hundred dollars per annum, which sum shall include and be in full payment of all extra help or services which said city treasurer may require, including the salary or compensation of a deputy city treasurer; provided, however, that in case of disability of the city treasurer such extra help and service may be provided by the common council as it may deem necessary, at the expense of the city. The city treasurer may appoint a deputy city treasurer for such period of time as he may deem advisable; and such deputy city treasurer, in the case of the absence or disability of the city treasurer, shall have and possess all the powers and perform and discharge all the duties of the

office of city treasurer until the city treasurer returns or his disability ceases. The city treasurer shall be liable to the city for all losses sustained by any act of misconduct or failure to account for moneys on the part of the deputy city treasurer.

Sec. 49. (As amended by Chapter 703, Laws of 1911, and Chapter 424, Laws of 1917). The city clerk shall keep the city seal and be the custodian of all papers and records belonging to the city; he shall act as clerk of the common council and as clerk of the board of audit. He shall keep an accurate account of all moneys received by him as clerk, and upon receipt thereof pay the same over to the city treasurer, take his receipt therefor and file the same in his office. He shall also keep such accounts of the city as the common council shall direct. All papers and records kept and filed in the office of the city clerk shall during office hours be open to inspection by any citizen or taxpayer of the city. He shall countersign all warrants drawn upon the city treasurer by the common council and shall keep an accurate account of such warrants in a book to be provided for that purpose, which shall be open to the inspection of any elector of the city at all reasonable hours, and he shall report to the common council at its first regular meeting in each month the aggregate amount of the orders drawn by him on each fund during the preceding months; and in each of said reports shall specify what amount to the credit of the general city fund must be reserved to pay salaries and other fixed expenditures. He shall not sign any warrant on any fund when such fund is exhausted. The salary of the city clerk shall be fixed by the common council at not to exceed eighteen hundred dollars per annum, which sum shall include and be in full payment of all extra work, help or services which said city clerk may require, including the salary or compensation of a deputy city clerk; provided, however, that in case of disability of the city clerk such extra help and service may be provided by the common council as it may deem necessary, at the expense of the city. The city clerk may appoint a deputy city clerk for such a period of time as he may deem advisable; and such deputy city clerk, in the case of the absence or disability of the city clerk, shall have and possess all the powers and perform and discharge all the duties of the

office of city clerk until the city clerk returns or his disability ceases. The city clerk shall be liable to the city for all losses sustained by any act of misconduct or failure to account for moneys on the part of the deputy city clerk. All fees received by the city clerk under any provision of law shall belong to the city and be paid by him to the city treasurer.

THE CITY ATTORNEY.

Sec. 50. The city attorney shall be the official legal adviser of the mayor, the common council and the boards and other officers of the city. He shall prosecute and defend all actions or proceedings brought by or against the city or by or against any of its officers as such; he shall, whenever the mayor or city judge directs, represent the city in all proceedings and prosecutions in the city court for the violation of any ordinance of the city; he shall pay over all moneys received by him for the city without delay to the city treasurer. The salary of the city attorney shall be one thousand five hundred dollars per year. No person shall be eligible to the office of city attorney unless he be a resident of the city and a counsellor of the supreme court. No moneys for salaries or services rendered the city as legal adviser or counsel, except as in this section provided, shall be paid or liability therefor incurred by the common council of the city, except upon the consent of the common council and the mayor of the city.

Sec. 51. (As amended by Chapter 571, Laws of 1915). The city assessors shall, except as herein otherwise provided, have as to the city all the powers and perform all the duties conferred and imposed upon town assessors by the revised statutes, and all other general laws of the state relating to taxes and assessments, and shall make up the assessment roll for the city within the same time and in the same manner as is provided for assessment rolls for towns; each assessor shall be a freeholder in the city and two of them shall be residents of the corporation tax district of the city, and shall receive as compensation for all services rendered under this act or by virtue of any statute the annual salary of not to exceed seven hundred dollars, the amount to be fixed by the common council.

The city clerk shall keep in his office, except when the board of assessors shall require them, maps and surveys of all the taxable property of the city, certified by the city engineer when made as hereinafter provided, which maps and surveys shall show correctly the location and boundaries of all pieces of property taxed or taxable and the name of the owner, person or corporation assessed. It shall be the duty of the city engineer to provide such maps and surveys under the supervision and direction of the board of assessors. Before any expense shall be incurred in connection therewith the same shall be approved by the common council.

For the purpose of making such maps and surveys said board of assessors, acting with the city engineer, shall divide the city into districts as may be advisable, and said board of assessors shall have the power and it shall be its duty to make a notation on each map and survey so provided and kept by it showing changes, and each notation shall be deemed to be a part of each map and survey, and it shall also be the duty of the board of assessors to make said notations on said maps and surveys at least once in each month.

Reference shall be made to each map and survey in making the assessment rolls or tax lists in all local assessments, rolls or lists and in all assessment rolls prepared for any purpose for use in said city; and also in all certificates, notices and conveyances of property sold. Reference to each map and survey, assessment rolls, tax lists and assessment lists when made may be generally in captions thereto, provided, however, that until such maps and surveys are made, fully completed and filed, that said assessment rolls, tax lists and assessment lists, certificates of sale and conveyance of property shall be made as heretofore according to the law in force at the time this act takes effect.

Every deed of conveyance of lands in said city shall be presented to the city clerk and stamped by him showing the time of such presentation before it shall be recorded, and if the county clerk shall record any deed or conveyance of lands in the city of Rome which has not been stamped by the city clerk of said city he shall forfeit to the city the sum of ten dollars; but nothing herein contained shall affect the validity of a deed recorded without being stamped.

Every map, plot or subdivision of land into blocks or lots shall, before it shall be filed in the office of the clerk of the county of Oneida, or in any city office, be presented to said city clerk, and a copy thereof filed in the office of the city clerk, and the said original map or plot shall be stamped as aforesaid by said clerk. If any such map or plot which has not been so stamped shall be placed on file by any such officer he shall forfeit to the city of Rome the sum of ten dollars.

THE CITY JUDGE.

Sec. 52. The city judge shall have all the powers and perform all the duties conferred and imposed by the provisions of this act.

Sec. 53. (As amended by Chapter 575, Laws of 1909, and Chapter 542, Laws of 1918). The city sealer of weights and measures, when directed by the mayor as such city sealer, shall inspect and examine weights, measures, scale beams, measures of extension and weighing apparatus, and shall at such times possess the like powers and be subject to like obligations as the sealers of the several towns of this state and shall receive such fees for such services as are fixed by law, or where they are not fixed by law, as the common council shall by ordinance determine. The common council may, however, in its discretion, fix a salary of not to exceed one thousand dollars per year, to be paid by the city to the said city sealer of weights and measures, which salary shall be in lieu of all fees and other compensation to which such city sealer of weights and measures would otherwise be entitled. He shall also have supervision over and take charge of public markets and shall perform such other duties in connection therewith as the mayor may direct.

Sec. 54. (As amended by Chapter 468, Laws of 1905, and Chapter 542, Laws of 1918). The board of public works and the board of water and sewer commissioners shall by joint action hire a competent civil engineer whose duty shall be to perform such work, with regard to surveying, engineering and other similar work, as may be ordered by and come under the juris-

diction of each board. He shall under the direction of said board of public works, within two years after the passage of this act, or as soon thereafter as it may be possible, fix and establish to the approval of the board of public works and map the grade lines of all streets, sidewalks, and public squares in the city; shall cause to be prepared a map of the city showing the boundaries and alignments of all streets, public places and squares, the location of the sewers and water mains, and shall thereafter change and add to such maps so as to make them conform to and show any alterations, additions or extensions in said grade lines, boundaries, alignments, sewers and water mains that shall be made. Any maps of the city or parts of the city conforming substantially to the requirements of this section heretofore made by the authorities of such city or any department thereof, may be regarded as made hereunder and may be used in place thereof, or as a part of the maps as hereby required. He shall also map such extensions, additions and alterations that may be made from time to time, in the record books or atlases of the water works and sewers kept in the office of the board of water and sewer commissioners. He shall be provided with an office where he shall keep all notes, books, maps, drawings and records received or made by him or under his direction and which shall be properly indexed and transmitted with all other matters and property pertaining to or belonging to his office, to his successors. He shall personally superintend the opening, making, constructing and paving, macadamizing, repairing and grading of all streets, sidewalks and crosswalks, gutters, storm sewers and drains, and the measurement of all work done on the streets or on the public places in the city, and make all preliminary surveys therefor, and prepare plans, profiles, specifications and estimates therefor when necessary or when required to do so by the said board of public works. He shall, subject to the direction of the said board, superintend all repairs, improvements to and upon streets and public places in the city, including the cleaning of streets, and building and repairing of storm sewers, drains or bridges which the city is bound to maintain, the laying of gas and water pipes; the setting of hydrants in the streets, and shall perform such other duties as may from time to time be required by the

board of public works and water and sewer commissioners, or either of them. He shall have no power to contract debt or liability on the part of the city except as authorized by one of the said boards having such matters under its control. He shall not be interested directly or indirectly in any contract with the city of Rome made pursuant to the provisions of this title. The board of public works shall fix his compensation, not to exceed three thousand dollars, and may remove him at pleasure. Of said compensation one-fifth part thereof shall be payable by the board of water and sewer commissioners from the funds of the water department. The said board of public works shall have the power and they are hereby authorized to hire such assistants and helpers to and under the said engineer as may be necessary for the performance of his duties. The said engineer shall be designated the "city engineer" and he may be required to give a bond, in form, manner and amount to be determined by said board, for the faithful performance of his duties. All books, note books, papers, maps, drawings, records, notes, tools, furniture, instruments, and supplies now in the office of the city engineer and belonging to the city of Rome shall be retained in the office of the city engineer to be appointed under this act, and shall be under the care and control of the said board of public works.

THE CONSTABLES.

Sec. 55. The constables of the city shall perform such duties as are by law prescribed for constables in the towns and counties of the state, and shall be entitled to the same fees therefor. The said constables shall not as such be compelled to serve within the city of Rome any summons, warrant or other process issued by the city court for the execution of the laws of the state for the prevention of crime and punishment of criminal offenses or of the police laws or regulations of the state or of the said city or of proceeding collateral to or connected with the execution of such general laws or police laws or regulations, nor shall the county of Oneida, or any of the towns therein, or the city of Rome, be liable to pay any such constable any fees for services under such summons, warrant or process.

THE POUND MASTER.

Sec. 56. The pound master shall have charge of the city pound and perform the duties imposed upon him by this act or by the city ordinances, and shall be entitled to such fees as the common council may by ordinance prescribe.

Sec. 57. (As amended by Chapter 573, Laws of 1915, and Chapter 542, Laws of 1918). The janitor of the city hall shall have the care and custody of the city hall and perform such services in reference thereto as the common council or the mayor require, including the care and custody of the police station. He shall receive such reasonable compensation as the common council may provide, not exceeding twelve hundred dollars per annum, out of which he shall pay all expenses for employes that may be necessary to keep the said city hall, including said police station, in a clean and sanitary condition.

ALDERMEN.

Sec. 58. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council and to act upon committees when thereunto appointed by the president of the common council or the common council, and each alderman shall possess such powers as are conferred by any general law upon aldermen of cities.

SUPERVISORS.

Sec. 59. The supervisors provided for by this act shall have the same powers and duties as supervisors of any town in the county of Oneida, except as otherwise provided by this act, and the said supervisors shall be members of the board of supervisors of the county of Oneida, and shall be entitled to the same compensation and be paid in the same manner as other members of said board.

THE BOARD OF AUDIT.

Sec. 60. The mayor, president of the common council and

the presidents of the five administrative boards named in this act, shall constitute the board of audit, and the mayor shall be the chairman thereof. Every pecuniary claim or demand arising upon contract against the city or any board thereof, shall in the first instance be filed with the city clerk and shall contain the items of the claim and be sworn to by the claimant or his duly authorized agent; the city clerk shall present the claim to the common council if the claim originated there, or to the board from which the claim originated. The common council and each board are hereby authorized to audit claims arising in their respective departments and to order paid such as in their judgment are correct. All such claims, if disputed, and all claims for injuries or damage resulting from the alleged negligence of the city or any of its officers shall be referred to the board of audit. A disputed claim within the meaning of this section shall be a claim to which objection to payment is made by at least two members of the common council or of any administrative board; and objection may be made by any two members of the common council or of any of said boards to the payment of any claim. The board of audit shall examine into such disputed claim or claims for damage resulting from alleged negligence as speedily as practicable, and shall report the result of such examination with its recommendation in case of claims for damages resulting from alleged negligence or disputed claims originating from the common council, to the common council, and in other cases to the board from which the claims originated; and the said common council or board, as the case may be, shall in case the claim was allowed by said board of audit, pay the same at the amount allowed by said board, or in case such claim was rejected by said board of audit, shall refuse payment thereof. The board of audit shall have power and it shall be its duty to investigate the accounts of every board and officer of the city, shall have access to all books and accounts of the boards and of all offices of the city, and may compel the attendance of witnesses and the production of papers before it by subpoena, noncompliance with which shall be subject to such penalty as the common council may by ordinance prescribe and each member of said board of audit

may administer the oaths to witnesses and intentional false swearing as to any material fact by any witness under examination by the board of audit shall be perjury. The board of audit is authorized to employ accountants for the examination of the city's accounts and the expense thereof shall be paid by the city treasurer out of the general city fund. No disputed bill or claim for injuries or damages resulting from alleged negligence shall be paid or allowed before the board of audit shall have reported thereon as herein provided, and no action shall be brought thereon until forty days after the presentation thereof to the city clerk. Said board shall be a board of town auditors and as such shall audit all town accounts.

THE BOARD OF REVIEW.

Sec. 61. The president of the common council, the city attorney and the assessors shall be a board of review of all assessments and shall have all the powers conferred and be subject to all the duties imposed by law upon town assessors sitting in review of their assessments; it shall be the duty of the assessors to make out the assessment rolls according to the determination of the board of review of assessments.

Sec. 62. No officer of the city or of any board thereof shall in any manner be interested directly or indirectly in any contract to which the city or any board thereof shall be a party, which he as such officer has taken or shall take any part in authorizing for the purchase or hire of any property, furnishing materials or for furnishing or performing any work, labor or service except in respect to his own compensation from the city or any board thereof, or in the granting of any franchise or privilege; and no officer elected or appointed shall receive any perquisite, emolument, fee or compensation except his salary, or pay from the city or any board thereof for any act done or service rendered by him in his official capacity nor shall he accept or receive any sum of money or other valuable thing, fee or commission upon or derive any advantages from the sale or hiring of any property to or by the city or any board

thereof. The violation of any provision of this section shall be a misdemeanor.

Sec. 63. The city clerk, city judge, city treasurer, constables and any other officer required so to do by the common council, shall severally before assuming their offices execute a bond to the city in such sums as the common council shall direct, and with such sureties as the common council shall approve, conditioned for the faithful performance of the duties of their respective offices, and that they will properly apply and account for all moneys and other property received by them respectively. All bonds given by such officers shall be filed and recorded in the office of the city clerk in a book to be kept for that purpose. The neglect to execute and file an official bond as above provided by any officer required so to do prior to his assuming the duties of his office, and in case such bond shall be required by the common council after the commencement of his term of office, within ten days after such requirement, shall create a vacancy in such office. In all cases in which a bond is required from any officer by the provisions of this act the sureties therein shall justify to an amount which shall be in the aggregate twice the penalty of such bond.

Sec. 64. The respective city officers shall have such powers and duties in addition to those enumerated in this title as are conferred or imposed by this act.

Sec. 65. The mayor, president of the common council (except for his services as member of the board of review), the members of the common council and of all administrative boards shall serve without compensation, except as herein otherwise provided.

TITLE V.**THE ADMINISTRATIVE BOARDS.**

Sec. 66. The administrative boards of the city shall be as follows:

1. The board of public works.
2. The board of water and sewers.
3. The board of fire and police.
4. The board of health.
5. The board of charity.

Sec. 67. Each of said boards shall hold its meetings at the city hall or at such other place as the common council may provide; the meetings of each board shall be public except when the public interests require secrecy, and the minutes of its proceedings shall at all times be open to public inspection; each board shall hold regular meetings and shall have power to fix the time of its own meetings; special meetings of the boards may be called by the president or any two members thereof, by serving a notice in writing, specifying the purpose of the special meeting, upon each member personally or by leaving such notice at the residence or place of business of each member or mailing the same to his post office address; a mailed notice must be deposited in the post office at least twenty-four hours before the time set for the holding of such special meeting.

Sec. 68. Each of the said boards shall at the first meeting in January of each year organize by the election of one of the commissioners thereof as president for the ensuing year, who shall hold office until his successor is in like manner elected; in the temporary absence or disability of such president the board may fill such vacancy from its number.

Sec. 69. Each board shall have power to prescribe rules of its procedure, to compel the attendance of absent members and to make rules and regulations for the employment and dismissal of employes of the board and the discipline and government of the same.

Sec. 70. A majority of the commissioners of each board shall constitute a quorum thereof, but no resolution calling for the expenditure of money shall be passed by any board except upon a concurring vote of a majority of all its members and the vote upon such a resolution shall be by ayes and nays and entered upon the minutes of the board.

Sec. 71. Each board shall cause to be kept accurate minutes of its proceedings which shall be recorded by the clerk thereof in a book to be provided for that purpose.

Sec. 72. Whenever required by resolution of the common council to make a report upon any subject specified in such resolution a board shall report to the common council as required. It shall also be the duty of each board to make a report to the common council on the first day of January in each year showing in detail all its accounts, receipts, expenditures and obligations for the preceding fiscal year; such annual report shall be verified by the president of the board, and shall, together with the annual report of the city treasurer, be published by the city clerk in the official newspapers of the city.

Sec. 73. No board shall enter into any contract or incur any liability against the city beyond the amount authorized as in this act provided. No commissioner or officer of any board or any other officer shall have power to make any purchases, create any liability or contract any debt on the part of any board unless authorized so to do by resolution of such board.

Sec. 74. The several boards of the city shall not be corporate bodies, but departments of the city government, and all suits at law in relation to any matter under the control of

the respective boards shall be brought by or against the city.

Sec. 75. All contracts entered into by any board shall be in the name of the city of Rome, and signed by the president thereof in behalf of the city, pursuant to resolution entered upon the minutes of the board.

Sec. 76. The salary of the superintendent of each board shall be paid by the board out of the funds set apart for the use of such board as in this act provided. Each of the boards of said city except the board of water and sewers may by resolution require the services of a clerk who shall be appointed by the mayor and whose compensation shall be fixed by the several boards with the approval of the mayor as to amount. The superintendent of the board of water and sewers shall act as clerk to said board.

TITLE VI.

THE BOARD OF PUBLIC WORKS.

Sec. 77. The commissioners of public works, appointed as hereinbefore provided, shall constitute the board of public works.

Sec. 78. The board of public works shall in and for the city have all the powers and perform all the duties of commissioners of highways in towns, except as herein otherwise provided. The said board is vested with the charge, management, control and maintenance of the bridges, highways, streets, storm water sewers, gutters, curbs, sidewalks, public parks, places and squares within the city, and of all the machinery, tools and implements used in connection therewith, and of lighting and naming the streets and giving numbers to lots and tenements and changing the same.

Sec. 79. (As amended by Chapter 468, Laws of 1905). On and after January first, nineteen hundred and six, the labor system of assessments for highways in and for that part of

the city outside the corporation tax district shall be and is abolished, and from and after that date the highways of that portion of the city shall be maintained, repaired and permanently improved by a tax to be levied and collected the same as town taxes upon the property, real and personal, in that portion of the city situate outside of the corporation tax district. The amount of such tax shall be determined by the board of public works of the city and shall not exceed one-half the value, at the commutation rates, of the highway labor which would be assessable under the labor system. Said board shall certify the same to the board of supervisors to be levied and assessed by them upon the property aforesaid, and when collected the same shall be kept in a separate fund to be known as the "highway fund." Chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight, entitled "An act to provide for the improvement of public highways", and all acts amendatory thereof or supplemental thereto, shall apply to any public highway or section thereof situate outside of said corporation tax district, and the portion of said city lying outside of said corporation tax district, shall be deemed a town for all purposes of said act or acts, any general or special statute to the contrary notwithstanding.

Sec. 80. The board of public works shall have power:

1. (Repealed by Chapter 542, Laws of 1918).
2. To make all contracts relating to the lighting contracts and naming of the streets, to the construction and repair of the bridges and highways, streets, curbing, storm water sewers, sidewalks, public places, squares and parks, cleaning streets and the removal of dirt therefrom, the grading, paving, repaving and macadamizing of all streets, public places and squares and the provision of all materials, machinery, implements and utensils therefor.
3. To construct, lay out, extend, alter, straighten or discontinue all streets, sidewalks, curbs, gutters, storm water sewers, public places, squares, parks and bridges in said city; no street shall be discontinued, and no new street opened without the

consent of all persons owning or interested in lands thereon, except by proceedings under the highway law.

4. To grade, pave, repave or macadamize any street or section of a street or any public place or square, and to fix and regulate the grade line of streets and sidewalks and to cause sidewalks and gutters to be made and curbs to be set of such materials as it may direct.

5. To cause all necessary surveys, maps and profiles relating to the streets or sidewalks now existing or which may hereafter exist, and to any work within its jurisdiction to be made.

6. To regulate the planting, trimming, rearing or removing of all trees in the streets, public parks, places and squares in the city.

7. To improve and ornament the public parks and pleasure grounds and to make regulations in the management and use thereof.

8. To regulate the use of storm water sewers and to grant permits therefor.

Sec. 81. (As amended by Chapter 468, Laws of 1905). It shall be the duty of the board as provided in section one hundred and forty-eight of this act to make and submit to the common council a written estimate or estimates of the expenses of said board for the current fiscal year as follows:

1. For cleaning the streets of the city.

2. For ordinary repairs of streets, sidewalks and crosswalks of the city.

3. For the portion of the expenses of paving, macadamizing, grading or curbing, or any other new work, except sewers, which should be borne by the city at large.

4. For the maintenance and care of bridges or the building of new bridges.

5. For the maintenance, ornamentation and improvement of the public parks of the city.

6. For the care and ordinary repairs of the storm water sewers of the city.

7. For the portion of the expense of building new storm water sewers which should be borne by the city at large.

8. For the purchase or repair of machinery, implements and utensils for the use of the board.

9. For lighting the streets and public places of the city.

10. For the maintenance and care of the highway and culverts outside the corporation tax district.

11. For other expenses of said board not above specifically mentioned.

Sec. 81a. (As amended by Chapter 468, Laws of 1905). The common council shall have power to modify or ratify said estimates as herein provided and the said board shall not have the right to expend any greater sum than is authorized by the common council.

Sec. 82. The amount raised to defray the expenses of maintaining, repairing, cleaning and improving (except paving) the streets, public places and squares of the city shall be kept in a separate fund called the "street repair fund" and no part of the moneys in said street repair fund shall be used for any other purpose than herein specified; the amount raised to defray the expenses of maintaining and repairing the bridges of the city shall be kept in a separate fund called the "bridge fund" and no part of the moneys in said fund shall be used for any other purpose than herein provided; the amount raised for the ornamentation, maintenance and improvement of the

public parks shall be kept in a separate fund which shall be called the "park fund" and no portion of said fund shall be used for any other purpose than herein provided; the amount raised for the maintenance and repair of storm water sewers and for the payment of the city's portion of the expense of building new storm water sewers shall be kept in a separate fund called the "storm water sewer fund" and no part of the moneys in said sewer fund shall be used for any other purpose; the amount raised for paying the city's portion of the expense of paving shall be kept in a separate fund called the "paving fund" and except as herein provided no part of said fund shall be used for any other purpose; the amount raised for lighting the streets and public places of the city shall be kept in a separate fund called the "lighting fund" and no part of said fund shall be used for any other purpose. All other moneys raised by the board of public works shall be kept in a separate fund to be known as the "public works fund."

Sec. 83. The highway fund, the park fund, the sewer fund, the lighting fund, the paving fund, the street repair fund, the bridge fund and the public works fund set apart for the use of the board of public works shall be under the control of the board of public works and shall be paid out by the city treasurer only upon warrants drawn by the said board upon the treasurer, signed by the president of the board, the superintendent thereof and by the city clerk stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and from what fund it is to be made, with a reference to the resolution authorizing the payment, specifying the date thereof.

Sec. 84. The board of public works shall have power, except as herein otherwise provided, to acquire for and in the name of the city, by agreement or by appraisal, as herein provided, any lands, easements, privileges, rights and estates necessary for the construction and maintenance of sewers, for the laying out, opening, widening or straightening any street or a public market, and may also enter into and upon the lands for the purpose of making the necessary surveys, provided

that in all cases involving an expenditure of more than one thousand dollars it shall have first submitted to the common council its estimates of the cost of such real estate and that the common council, if it shall approve the expenditure proposed, shall submit the proposition to a vote and be required to have the approval of the taxpayers given at a special election as provided in section one hundred and seventy-five of this act and the tax or bonds for such expenditures raised or issued only pursuant to said section. In case the board of public works can not agree with the owner or owners of said real estate or interest therein, upon the price to be paid therefor, it may proceed to acquire or perfect title to such land in the manner provided by the condemnation law.

Sec. 85. The board of public works shall before they enter upon the construction of any new work, the estimated expense whereof is more than two hundred dollars, advertise for bids for the construction of such work, with power to reject any and all bids received. If the board approves a bid it may then enter into a contract in the name of the city for the construction of such new work and shall have power to change or modify the same, provided the estimated cost as furnished the common council shall not be exceeded. All such contracts shall be let to the lowest bidder. The person or persons entering into such contract shall execute a bond to the city for the faithful performance of the same in an amount to be approved by said board.

Sec. 86. (Repealed by Chapter 327, Laws of 1907).

Sec. 87. (As amended by Chapter 468, Laws of 1905.) It shall be the duty of the owner or occupant of any property fronting on any street, public square, place or highway of the city, to build, keep in repair and rebuild sidewalks in front of his said property upon such established grade and of such materials and size as the board of public works may direct. It shall be the duty of such owner or occupant to clean, keep free and clear from ice and snow such sidewalks. The common council may provide by ordinance for the enforcement by

proper penalties of the provisions of this section, and in case of the failure of such property owner or occupant to build such sidewalks as above provided when notified so to do, the board of public works may cause such sidewalks to be constructed and certify the cost thereof not exceeding the expense of labor and materials, to the city treasurer, who shall collect the same and shall have power to enforce such collection by action in the city court, in the name of the city, and any judgment recovered thereon shall be a lien upon the premises in front of which such walk was constructed.

Sec. 88. The board of public works shall have power, subject to the approval of the mayor, to enter into a contract or contracts for the lighting of the public streets, parks and places of the city, but no such contract shall be let for a longer period than five years.

TITLE VII.

OF THE BOARD OF WATER AND SEWER COMMISSIONERS.

Sec. 89. The members of the board of water and sewer commissioners shall be residents of the corporation tax district. Their appointments shall be so arranged that the office of one of such commissioners shall expire on the first day of October in each year. Said commissioners shall receive no pay for their services, as such, either directly or indirectly.

Sec. 90. The treasurer of the city shall be treasurer of said board. The commissioners shall have power to employ a superintendent and prescribe his duties. The superintendent shall before entering upon the duties of his office, execute to the city of Rome a bond in a penalty to be fixed by the board, with two or more sureties or a surety company bond conditioned for the faithful performance of his duties as such, and that he will duly account for and pay over all moneys received or collected by him at any time to the treasurer of the board.

Said bond shall be approved as to form and sufficiency of sureties by the mayor and filed in the office of the clerk. He shall hold office during the pleasure of the board and his compensation shall be fixed by the board and paid from the water moneys and funds. The commissioners shall also have power to employ engineers and inspectors for all necessary work upon either the water or sewer systems of the city, and also such subordinate officers and employes as they may deem necessary, and they may fix the compensation of all said officers and employes.

Sec. 91. All moneys received by said board for the use of water, and all other receipts for or on the account of the water department, and the proceeds of any bonds that shall or may be issued hereafter by the city for any increase or extension of the water supply or system, shall be kept separately by the city treasurer, and he shall credit the same, including all premiums received on the sale of such bonds, and the interest received on deposits of all the moneys aforesaid, to the credit of water fund. And all moneys received by said board, whether from taxes, bonds, permits or otherwise, for or on account of the sanitary sewers of said city, including interest on deposits thereof, shall be kept by said treasurer separately to the credit of the sewer fund. The treasurer of said board shall pay out such funds only upon and in accordance with orders or warrants of said board, which orders or warrants shall state and designate from which of said funds said money is to be drawn.

Sec. 92. (As amended by Chapter 575, Laws of 1909, Chapter 131, Laws of 1911 and Chapter 327, Laws of 1912). The said board, in addition to the powers conferred and duties imposed by this title, shall have and exercise all the rights, powers and privileges, and perform and fulfill all the duties now vested by law in said board. They shall also have and exercise the rights and powers and perform and fulfill all the duties connected with and incident to the care, management, construction and control of the sanitary sewer and water system of the city of Rome, including extensions and new

lines thereof, and necessary repairs to each of said systems of water and sanitary sewers. Storm water sewers shall not be deemed and included in and as part of the sewer system of the city for any of the purposes of this act. The city of Rome by its board of water and sewer commissioners is hereby authorized and empowered to construct such new lines and extensions of the sanitary sewer system of said city, and build, erect, equip, operate and maintain a sewage disposal plant or plants, as shall be recommended by said board, and may acquire all necessary lands and rights of way therefor by purchase or condemnation, but no sewage disposal plant or plants shall be built or erected, unless the same shall be approved by a majority of the taxpayers voting at a special election called for that purpose by the common council of said city, and conducted in the manner and as prescribed in section one hundred and seventy-five of this act, so far as the same is applicable thereto. Such new lines and extensions of said sewer system shall be made only under the order and direction of the common council of said city, accompanied by a plan and estimate thereof by the city engineer and approved by said board. The cost and expense of constructing and laying any and all new lines and extensions of said sewers and of the repairs to and maintenance of the said sewer system of said city, shall be determined in each year by and upon the estimates and requisition of said board. The common council of said city shall provide for such costs and expenses and for the cost and expense of any sewage disposal plant or plants by general tax, and the same shall be assessed, levied and raised in the same manner and in addition to and in connection with the general tax of said city, except that in case the common council shall provide for the payment of the cost of the construction of any sewage disposal plant or plants by general tax, said tax shall thereupon be immediately levied and assessed, but only one-fifth thereof shall be extended and collected each year for the next succeeding five years, and provision shall be made in the contract or contracts entered into for the construction and installation of said plant or plants, for the payment of the cost thereof in five annual installments; or said common council may at its option bor-

row said moneys and cause revenue bonds of said city to be issued therefor by and in the name of said city for a term not exceeding five years, with interest at the rate of not more than five per centum per annum, signed by the mayor and city clerk, payable in equal annual installments, which installments shall be levied and collected by tax in the same manner as and in addition to the general tax of the city; or said common council may at its option issue bonds of said city for said amount, or any part thereof, which shall be issued by and in the name of the city, payable in not to exceed twenty years from date of issue, with interest at the rate of not to exceed five per centum per annum and signed by the mayor and city clerk.

Sec. 93. The said board shall establish rates as nearly uniform as may be practicable, at which the water used by individuals and corporations shall be paid for by such individuals and corporations, and in special cases may make special agreements and contracts for the sale and use of water, which shall be obligatory upon the city and individuals and corporations using said water; said commissioners or their superintendent shall be authorized at all times to enter any buildings or places where water is used from supply pipes to examine as to the water, quantity of water used and manner of using it. The water rates or compensation for the use of water fixed or agreed upon by the commissioners, may be collected by action from the persons or corporations using the water, and the commissioners may at any time cut off the supply of water to any person or corporation that may be in default of payment. Said board may charge a reasonable sum for permits to connect with the public sewers, and the amounts realized therefrom shall be paid over to the treasurer of the board and credited to the sewer fund.

Sec. 93-a. (Added by Chapter 424, Laws of 1917). The board of water and sewer commissioners of such city may, in its discretion, supply water from such system, or any additional system provided for in this act, to any village or to the inhabitants of any territory outside the city located within two

miles of the main or mains which carry the water from the source of supply, at not less than the rate charged for the use of water in the city, and for such purpose may lay and construct necessary pipes and conduits to connect with such mains in any public street or highway, or through any private right of way provided for by the consumer. The expense of laying, constructing and maintaining said necessary pipes and conduits may be paid wholly from the revenue of said water system, or such expense may be paid jointly by the board from said revenues and by the village or the inhabitants supplied in such proportion as may be agreed upon by the board and the village, or said inhabitants, or such expense may be borne solely by said village or by said inhabitants so supplied. In case the expense of laying said pipes or conduits shall be borne wholly or in part by any such village, it is hereby authorized to provide necessary moneys for its share of such expense by tax upon the taxable inhabitants and property of the village, to be levied by the trustees of the village in the same manner as other village taxes. A village taking water under this section may supply its inhabitants with water upon such terms as its trustees may determine. Water shall not be furnished under this section to villages and inhabitants of outside territory in an amount which will reduce the supply of water to the city of Rome and its inhabitants below the quantity sufficient therefor; and any contract or agreement by the board with any person or village under this section shall contain a provision authorizing the temporary or permanent withholding of water whenever the board shall determine that the needs of the city and its inhabitants require such action.

Sec. 94. Any person who shall wilfully do or cause to be done any act whereby any water or sewer mains, reservoirs, dams, materials or property whatsoever constructed, laid or used in the city by said commissioners, or under their direction, for either the water or sewer systems of the city or who shall maliciously or wilfully commit any act which shall injuriously affect or tend to affect the water supplied by said commissioners or who shall in any way injure or destroy any of the pipes, mains or other property or appurtenances of the sewer

system of said city, shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment or both, in the discretion of the court, and shall also forfeit and pay to the city double the damages sustained thereby.

Sec. 95. That said board of water and sewer commissioners may establish rules and regulations for and concerning the use of the water supplied by said board, and may thereby impose fines and prohibitions for any violations of said rules and regulations, not exceeding the sum of fifty dollars, which penalty may be recovered in the name of the city before any court having cognizance thereof.

Sec. 96. Whenever the board of public works shall by ordinance provide for and require the paving and grading of any street or avenue in the city with asphalt, brick, macadam, stone or other expensive material, it shall under the direction of the board of water and sewer commissioners compel the residents of any such streets and avenues, and the property owners whose lots front or abut thereon to lay house connecting drains and service pipes in the manner said board shall direct from the line of the curbing in front of their property on said street to the sewer mains and water mains in said street and to connect them therewith; and said board may pass and enforce ordinances therefor prescribing penalties in the name of the city of Rome.

Sec. 97. The said board shall annually on the first day of October in each year, and at all such other times as may be required by the common council of the city, deliver to said common council a detailed statement of all their accounts, receipts, expenditures and obligations incurred for or on account of the water department, and a similar separate statement of all their accounts, receipts, expenditures and obligations for or on account of the sewer department.

Sec. 98. The city of Rome by its board of water and sewer commissioners, is hereby authorized and empowered to enlarge, extend, supplement and increase, from time to time, as may be

necessary, the present water system and supply of said city and to secure an additional supply of pure and wholesome water for the use of said city and the inhabitants thereof, from the stream of water known as Fish Creek, or other suitable stream in the county of Oneida, by gravity or steam, or other feasible system as said board of water and sewer commissioners shall recommend and deem best; and said city may through said board of water and sewer commissioners in the manner hereinafter provided, acquire, construct, build and maintain all necessary dams, lines, rights of way, water, reservoirs, buildings, mains, laterals and other necessary property rights, easements and privileges therefor, and to cause the bonds of said city to be issued therefor in the manner hereinafter provided.

Sec. 99. Before incurring any pecuniary liability under section ninety-eight of this act the common council of said city shall by an act or ordinance thereof, adopt and prescribe such plan, estimate, system or source of water for said increased supply as shall be recommended and approved by said board as most feasible and best adapted to supply the requisite quantity and quality of water, together with the estimated cost and expense thereof, and shall submit the same for approval to the voters of the corporation tax district of the city of Rome, in the manner provided in section one hundred and seventy-five of this act.

Sec. 100. If such ordinance be approved by a majority of the voters of the corporation tax district, the said board shall thereupon proceed to construct said additional or supplemental works, and for that purpose they may take and hold in the name of the city of Rome, any lands, easements, water and rights of way, and may enter upon lands of any person or persons for the purpose of supplying the city of Rome with pure and wholesome water, and may take such water from Fish Creek or other stream so selected at any point within the county of Oneida, and may dam the waters of Fish Creek or other streams selected and carry same to any part of said city and may lay and construct pipes, conduits, aqueducts, reservoirs

or other works or machinery necessary or proper for said purpose, upon any lands so entered on, purchased, taken or held. Said board of water and sewer commissioners may enter upon any streets, highways, roads, lanes or public squares through which they may deem it proper to convey said water, and lay and construct pipes, conduits, aqueducts or other works for that purpose, leaving said streets, highways, lanes and public squares in the same condition as nearly as may be, as they were before said entry, doing no unnecessary damage.

Sec. 101. If said board of water and sewer commissioners be unable to agree with the owner or owners of any lanes, property, rights or water intended to be taken or used as aforesaid, for the purchase thereof, the said board may proceed to acquire the title thereto for the city by condemnation proceedings as prescribed by title one, chapter twenty-three of the code of civil procedure, and said board may raise and maintain a dam across Fish Creek, or other stream selected, at any point within the county of Oneida selected by said board, to any height that may be necessary for the purposes aforesaid.

Sec. 102. The contracts for said work and material for constructing said additional water system shall be made for said city by said board of water and sewer commissioners, and paid for by them out of the money provided and appropriated pursuant to this title; and they shall have full power to make contracts to carry out the provisions thereof.

Sec. 103. (As amended by Chapter 245, Laws of 1908). The common council of the city of Rome is hereby authorized and empowered to issue bonds of said city, from time to time, as may be necessary to any amount not exceeding the said sum approved by a majority of the voters hereinbefore provided, when required by said board of water and sewer commissioners, for said additional water supply, and the said board may expend the proceeds of same for the purpose of enlarging and increasing the water supply system of the city of Rome aforesaid, and carrying out the provisions of this title. They shall be issued by and in the name of the city of Rome, signed by the mayor and city clerk, in such denominations or amounts,

and payable at such time or times as said board may recommend and deem expedient, but the term of said bonds shall not exceed forty years. Said bonds shall bear such rate of interest as the common council shall prescribe, not exceeding the legal rate, and such interest shall be payable semi-annually on the first days of January and July of each year, and shall be sold at not less than par, and none of them shall be sold until required by the board of water and sewer commissioners and wanted for the purpose aforesaid. Nothing herein contained shall invalidate any proceedings or action taken or rights acquired by the city of Rome or any of its boards or officials, under title seven of the act hereby amended, or any general or special law or statute. If at the time of the issue of any bonds authorized by this section the indebtedness of said city, exclusive of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds were issued, and payable out of such taxes, shall exceed ten per centum of the assessed valuation of the real estate of said city subject to taxation as shall appear by the assessment rolls of said city on the last assessment for state or county taxes prior to such issue, then the term of such bonds so to be issued shall not exceed twenty years, and a sinking fund shall be created on the issue of said bonds for their redemption by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. Such sinking fund shall be created and maintained as follows: Out of the surplus earnings derived from the operation of the water works system, after the payment of the cost of operation, management and maintenance thereof and the payment of the interest upon any outstanding water bonds already issued by the city and the interest upon any bonds issued pursuant to this act, there shall be created a sinking fund for the redemption and payment of such bonds, principal and interest at the maturity thereof, by setting apart annually an amount sufficient to produce at the maturity of said bonds a sum equal to the principal and interest then to become due. If and whenever the revenues of said water system shall be insufficient to pro-

vide for the sinking fund requirement and for the interest upon any such bonds, the board of water and sewer commissioners of said city shall report the fact and the amount of such deficiency to the common council. It shall thereupon become the duty of the common council of said city to provide, and said common council shall provide for such deficiency and the payment thereof in the manner now provided by law for the payment of the principal and interest of other bonded indebtedness of said city. Said sinking fund shall be deposited in such bank, banks or trust companies as shall be duly designated by the board of water and sewer commissioners therefor, and no moneys shall be withdrawn therefrom except for the payment, redemption or purchase of the bonds, or some part thereof, for the redemption of which such sinking fund was created, or for the transfer of such fund or some part thereof to another depository duly designated therefor. Any such bonds paid, redeemed or purchased shall be at once canceled in the manner provided by law. The funds remaining in said sinking fund at any time, or any part thereof, may, however, be invested by said board of water and sewer commissioners, with the approval of the mayor, in any interest-bearing bonds or obligations of the United States, of the state of New York, or of any county, city or municipality of the state of New York, including the city of Rome, the validity of which bonds or obligations has been first approved by the city attorney of said city. Any bonds of the said city of Rome, or other bonds, when so purchased for the investment, may be resold by the board of water and sewer commissioners, when necessary or expedient to provide funds to carry out the purposes of the sinking fund herein authorized. Also, the board of water and sewer commissioners of said city of Rome may, at any time, create from funds in its possession an additional sinking fund to the one hereinbefore specified, for the retirement of any water or sewer bonds heretofore or hereafter issued, and may, with the approval of the mayor, invest said additional sinking fund in any interest-bearing bonds or obligations of the United States, of the state of New York, or any county, city or municipality in the state of New York, including the city of Rome, the validity of which bonds or obligations has been first approved by the city attor-

ney of said city. Any obligations or bonds of the said city of Rome, or other bonds, when so purchased, may be resold by the board of water and sewer commissioners when, in its judgment, necessary or expedient to provide funds to carry out the purposes of said additional sinking fund.

Sec. 104. The amount derived by the board of water and sewer commissioners, from the receipts for the use of water shall be applied by said board to the payment of the cost of maintaining, operating and extending the system of water works in said city, and to the payment of the principal and interest falling due on any water bonds hereafter issued under or by virtue of this title, as well as on any and all other water bonds heretofore issued by said city and now outstanding. If any surplus from the water receipts as aforesaid shall remain after the payment aforesaid, said board is hereby authorized and permitted to apply such surplus, together with any unexpended balance standing to the credit of the sewer fund, to and toward the payment of the interest falling due upon the sewer bonds of said city issued under and in pursuance of the provisions of chapter one hundred and ninety-eight of the laws of eighteen hundred and ninety-three, entitled, "An act to provide a system of sewerage for the city of Rome". In each year in which the board of water and sewer commissioners shall determine and report to the common council that the receipts for water aforesaid are or will be insufficient for all the purposes aforesaid, the common council of said city shall make due provision by tax for payment of such deficiency, and the same shall be assessed, levied and raised in the same manner as any other general tax of said city, and in addition to and in connection with the general taxes of said city, the amount of such tax to be determined by the estimate and requisition of the board of water and sewer commissioners, which estimate and requisition shall state the amount so required for the water department and the amount required for the sewer department separately.

Sec. 105. The common council is hereby authorized and empowered to pay up or retire at the maturity thereof, any

water or sewer bonds heretofore or hereafter issued by the city of Rome, by the issue of new substituted bonds for like amounts, which new bonds shall be issued in the same manner and form as provided in section one hundred and three of this act, and shall be used for no other purpose.

Sec. 106. Nothing herein contained shall be construed as waiving, releasing or forfeiting any rights, privileges and properties of the city of Rome, of, in and to the waters of the Mohawk River, and to the use of the same as and for a supply to said city, and the inhabitants thereof, as now possessed and enjoyed or as may hereafter be acquired under this title by said city, and such rights are hereby contained and confirmed.

TITLE VIII.

THE BOARD OF FIRE AND POLICE.

Sec. 107. The commissioners of fire and police shall constitute the board of fire and police of the city; they shall be residents of the corporation tax district. Their appointment shall be so arranged that the office of one of such commissioners shall expire on the first day of May in each year.

Sec. 108. The board of fire and police shall have the powers and fulfill the duties connected with and incident to the police government and discipline of the city, and also connected with and incident to the government and discipline of the fire department of said city as herein provided, and shall have power from time to time to make and adopt such rules and regulations with reference to the powers and duties of the police in causing and requiring proper means of exit, suitable doors, doorways, stairs, fire escapes, fireproof material in dangerous places in buildings or other means of safety to be provided by all owners, lessees or occupants of or in all buildings, halls, show houses, theaters and places where public or private entertainments or meetings are held or people congregate, and also all tenement houses or buildings occupied by six or more families and over two stories in height to make them safe, or

said board may from time to time recommend the adoption by the common council of such ordinances and regulations as shall embody these provisions, which shall become an ordinance or ordinances of the city to be enforced by this board.

Sec. 109. (As amended by Chapter 468, Laws of 1905). The board of fire and police shall recommend to the common council in writing as provided by section one hundred and forty-eight, an estimate, or estimates of the amount of money necessary to be expended by said board for each of the following purposes for the current fiscal year:

1. To pay the salaries and wages of the policemen and special policemen and other employes of the police department.

2. To pay the salaries and wages of the police department other than for salaries and wages of policemen.

3. To pay the salary and wages of the chief engineer, assistant engineer and foreman and other subordinate employes of the fire department.

4. To defray the expenses of keeping in good repair and condition the fire engines, fire alarm telegraph, and other apparatus and teams used for the extinguishment of fires, and the buildings occupied by the fire department and of purchasing all necessary supplies and of extending the fire alarm telegraph.

5. To defray the expenses of purchasing new fire engines, teams and apparatus used for the extinguishing of fires, including hose.

6. To defray the expense of purchasing or renting new premises or erecting new buildings for the purpose of the fire department.

7. To defray the contingent expenses of the board not otherwise above specified.

Sec. 110. (As amended by Chapter 14, Laws of 1905). The

amount raised for the maintenance of the police department and the fire department, shall with the moneys received under the excise law of the state and the earnings of the police, be set apart in a separate fund, to be designated the police and fire department fund, and the fund and moneys under the control of said board shall be paid by the city treasurer only upon warrants drawn by said board upon such treasurer and signed by the president of the board and the city clerk, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and, for which department the payment is made, with a reference to the resolution authorizing the payment, specifying the date thereof; and the said board shall not have the power to expend in any one year any greater sum than is authorized by the common council. The city treasurer is authorized and directed to pay over and transfer to the police and fire department fund, immediately upon the passage of this act, all moneys on deposit with him to the credit of the police department fund, and the fire department fund, and thereafter the said board may use said moneys and issue warrants thereon for the expenses, debts and obligations of either or both of said departments.

Sec. 111. The said board shall have power to sell and dispose of any of the fire department property under their direction or control, except real estate, when in their judgment the interests of the city will be promoted thereby, and the avails of such sales shall be paid to the city treasurer and by him placed to the credit of the fire department fund.

Sec. 112. The board shall have power to make such rules and regulations consistent with the provisions of this act as it may deem best for the good government of itself and for the government and organization of the fire and police department.

Sec. 113. All the property, real and personal, now owned or which may hereafter be acquired by the city of Rome for the use of the fire department, shall be under the control and management of said board.

Sec. 114. (As amended by Chapter 424, Laws of 1917). The board of fire and police may appoint, not exceeding one policeman for every twelve hundred inhabitants of the city as shown by the last national census preceding such appointment, and as many firemen as in their judgment are necessary for the proper protection of the city and fix the salaries or wages to be paid to such police and firemen.

Sec. 115. The said board shall, subject to the limitations of this act, maintain fire companies and appoint a sufficient number of able bodied and reputable inhabitants of the city of Rome firemen to belong to such companies, and pay them a reasonable compensation for their services as such firemen. Said board shall appoint one of said firemen chief engineer of the fire department who shall under its direction have full control of the fire department; and the said board shall also appoint one of said firemen who shall act as assistant to the chief engineer in the management and control of the fire companies and fire apparatus during the extinguishment of fires; the board shall have power to remove in its discretion any of its appointees or employes provided for in this section.

Sec. 116. The officers, firemen and appointees of the fire department, with their apparatus of all kinds, when on duty shall have the right of way at any fire, or on the occasions of any alarm of fire, in any highway, street, public square or avenue, over any and all vehicles of any kind, except those carrying the United States mail; any person who shall refuse the right of way, or in any way obstruct the fire apparatus or in any way interfere with, obstruct or resist any of said officers, firemen and appointees in the performance of their duties shall be guilty of a misdemeanor and on conviction shall be liable to punishment for the same by a fine not exceeding fifty dollars or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment.

Sec. 117. The board may also from time to time appoint as many extra policemen as in their judgment may be deemed necessary who shall serve for such time as may be designated by said board, not, however, exceeding ten days unless author-

ized by the common council. Any policeman who during his service as such shall become intoxicated, shall be dismissed from further duty and shall be ineligible to reappointment except upon unanimous consent of the board of fire and police. The board shall also have power to appoint special policemen who shall possess the same powers and be subject to the same liabilities as regular policemen for the benefit of any person, society or corporation, for lawful purposes, at the expense of the person, society or corporation desiring such appointment, but without any expense or liability whatever on the part of the city.

Sec. 118. The board of fire and police shall select from the regular policemen appointed by them, one who shall be the chief executive officer of the police department and known as the chief of police of the city of Rome. He shall keep a record in a book to be provided for that purpose, of all cases and legal proceedings in his department and of all services performed by him and the several policemen, and of fees received by him or any of the policemen, which shall be the same as are allowed to constables in towns for like services. He shall at least once every month report to the board the state of his department, particularly as to fees received, and whether any members of his force are delinquent in their duties, and such other matters as the board may require. The board shall also appoint an assistant chief to be selected from the policemen of the city, who shall under the direction of the chief of police perform any services and exercise any control which the chief of police could in the management and operation of the department. In the absence or during the inability of the chief of police the assistant chief shall possess his powers and perform his duties. The board shall also appoint a station keeper who shall have charge of the police station and the care of prisoners therein, and shall perform such other duties as the board shall direct.

Sec. 119. (As amended by Chapter 333, Laws of 1910). Each policeman and special policeman shall before entering upon the discharge of his duties, take and subscribe and file

in the office of the city clerk, the constitutional oath of office, and execute a bond to be approved by said commissioners conditioned for the faithful performance of their duties and the accounting for all moneys, received by them in their official capacity, and they shall hold office during good behavior, or until incapacitated by age or disease. Such special policemen shall hold office only for such time for which they shall be temporarily appointed. Any of the regular policemen appointed by the board of fire and police may be removed from office by said board on proof of charges preferred before them, in writing, of intoxication, illegal, corrupt or otherwise improper conduct, upon which the accused has had an opportunity to be heard in his defense, and pending such charges, said board may suspend the policeman accused from pay and duty. The board of fire and police may also for disobedience of their rules or orders or other offense, not involving corrupt or criminal conduct, suspend any policeman temporarily from duty, pay or both.

Sec. 120. The policemen and special policemen authorized by this act shall have the same power and authority in criminal cases as constables possess by law, and shall have the same power and authority as constables in civil cases and proceedings so far as serving and executing all processes or papers in behalf of the city of Rome is concerned, but not otherwise. Said policemen and special policemen shall be subject to the same liabilities and perform the same duties as constables except as herein otherwise provided. They shall execute the orders and commitments of the city judge and of all courts held by him, and convey all persons sentenced by him to the penitentiary, reformatory or house of refuge, and they shall serve and execute all civil processes or proceedings issued and directed by any officer or court in favor of said city or in which said city shall be a party.

Sec. 121. No fees or compensation other than herein provided shall be charged or received by any policemen for the arrest, confinement or discharge of any person or for mileage or for serving any process or warrant or for discharging any

other duty by this act required to be performed by him. But any reasonable or necessary expenses incurred by any policeman when traveling in the discharge of his duties as policeman, shall be paid by the said board and the said board is hereby authorized to charge the county of Oneida, or the city of Rome, as one of the towns thereof, as the case may be, the moneys thus paid, and the same shall be audited and allowed by the board of supervisors of said county, or by the board of town auditors of the city of Rome, to and for the benefit of the said city of Rome, and shall be paid to the treasurer of said city, and by him passed to the credit of the police department fund.

Sec. 122. No policeman shall receive any present or reward for services rendered or to be rendered, unless with the approval of the board, such approval to be expressed by resolution of the board entered upon the minutes of the board; any policeman who shall receive any fee or reward in violation of this section shall forfeit his office.

Sec. 123. The board is hereby authorized to charge the county of Oneida, or the city of Rome as one of the towns thereof, or to any town therein, for services performed by the policeman in criminal proceedings, such fees as are allowed to constables of towns for like services and chargeable to said county, city or towns, and the same shall be audited and allowed by the board of supervisors of said county, or the board of town auditors of said towns, to and for the benefit of the city of Rome, and shall be paid to the city treasurer of said city and be credited by him to the police department fund of said board. In cases arising under the ordinances or police laws or regulations of the city of Rome, where judgment shall be rendered in favor of said city, or where said city would be entitled to judgment, the same fees for the services of such policemen as constables would be entitled to for like services, shall be included in such judgment and charged for the benefit of such city, and when paid or collected shall be paid to the treasurer thereof within five days after its receipt and credited by him to the police fund.

Sec. 124. The constables in said city or the different towns of Oneida county shall not as such be compelled to serve within the city of Rome any summons, warrants, subpoenas, commitment, notice, paper or process whatever, issued or directed by the city judge or of the city court in execution of the laws of the state, for the prevention of crime and the punishment of criminal offences, or of the police laws or regulations of the state, or of any proceedings collateral to or connected with the execution of such general laws or police laws or regulations or ordinances; nor shall the county of Oneida nor any of the towns therein or the city of Rome be chargeable with or in any way liable to pay any such constable any fees or disbursements whatever for services or disbursements paid or incurred in or by virtue of such summons, warrant, subpoena, commitment, notice, paper or process whatever.

Sec. 125. (As amended by Chapter 651, Laws of 1906). All fines collected under and by virtue of the ordinances of the city of Rome, and all moneys collected as revenues, penalties or for the services of the policemen authorized by this act, under any such ordinances and in pursuance of any statute during any month, shall be paid to the treasurer of said city on or before the sixth day of the next succeeding month.

Sec. 126. (As amended by Chapter 468, Laws of 1905). The common council of the city of Rome shall provide and keep in order such station houses, lockups and other necessary accommodations as shall be required for the use of the police department. The mayor, upon the recommendation of the board of fire and police, may offer rewards not exceeding two hundred dollars for any one reward, for the detection or apprehension of the perpetrator of any crime committed within the city, to be paid to the informant from the police and fire fund on the conviction of the criminal.

TITLE IX.**THE BOARD OF HEALTH.**

Sec. 127. The commissioners of health, appointed as hereinbefore provided, shall constitute the board of health thereof. At least one of the commissioners of health shall be a competent physician.

Sec. 128. (As amended by Chapter 651, Laws of 1906). The said board shall recommend to the common council the amount of salary to be paid to the health officer, and upon the fixing of his salary by the common council, the said board of health shall choose a health officer whose term of office shall be at the pleasure of the board. The office attendant of the board of health may also act as clerk and registrar of vital statistics for said board, and when by resolution of the board of health the office attendant is directed to perform work and services as clerk or registrar of vital statistics he shall do so without other or further compensation or fees than his salary as office attendant.

Sec. 129. The said board of health shall within the city have all the powers and be subject to all the duties conferred and imposed upon local boards of health by general or special laws, except as otherwise provided herein.

Sec. 130. (As amended by Chapter 468, Laws of 1905). The board of health shall submit, as provided in section one hundred and forty-eight of this act an estimate or estimates of the necessary amount of expenditure required by the board for the current fiscal year and submit such estimate or estimates, specifying each item of expenditure, to the common council and the common council may modify such estimate, and by resolution fix the amount that the said board may expend during the ensuing year.

Sec. 131. All moneys received by the board of health from any source shall be immediately deposited with the city treasurer, and the said board of health shall have control of the

funds authorized by the common council to be expended by said board. The city treasurer shall set apart the moneys so authorized and raised for the board of health in a separate fund called the "health fund."

Sec. 132. The health fund shall be paid out by the city treasurer only upon warrants drawn by the said board of health upon the treasurer and signed by the president of the board of health, the health officer and the city clerk, stating in every instance the name of the person or corporation to whom it is payable, the amount thereof, what the payment is for and from what fund it is to be made with a reference to the resolution authorizing the payment, specifying the date thereof.

TITLE X.

THE BOARD OF CHARITY.

Sec. 133. The commissioners of charity appointed as herein provided shall constitute the board of charity for the city.

Sec. 134. (As amended by Chapter 651, Laws of 1906). The board of charity shall have all the powers and perform all the duties within said city which are now possessed and performed by overseers of the poor in any town in the county of Oneida, except as otherwise provided by this act. The expense of the poor, including the salary of the superintendent as determined by the common council shall be levied by the board of supervisors upon the city as heretofore upon the town of Rome.

Sec. 135. The said board shall choose some competent person for superintendent of charities, whose duty shall be to administer the charities of the city under its direction. The said board shall recommend to the common council the salary to be paid to such superintendent and the common council shall determine the salary to be paid to the superintendent before his appointment, and when the salary is once fixed it shall not be changed except by the common council upon the

recommendation of the board of charity. The superintendent of charities shall hold office during the pleasure of the board of charity.

Sec. 136. As provided by section one hundred and forty-eight of this act the board of charity shall submit in writing to the common council the estimated expenses of the board for the ensuing year in its work, and the common council shall have power to ratify or modify such estimate and shall set apart as the poor fund the sum thus fixed for the year. The said fund shall be held by the city treasurer as the poor fund and shall be used for no other purpose than for the expense of said board. The said board shall not expend any sum in addition to the amount authorized by the common council. In case in any year, however, additional funds are required by the board of charity, it shall submit to the common council an estimate of the amount needed and specifying the reasons why the same is required; and if the common council authorize additional funds, the same shall be set apart in the hands of the treasurer to the credit of the poor fund, and the common council is hereby authorized to borrow on the credit of the city such sum as they may deem advisable for said board and to add the same to the next tax levy.

Sec. 137. The superintendent shall be the executive officer of the board of charity, and shall carry into effect all directions of said board evidenced by a resolution entered upon the minutes thereof. He shall have only such powers as are conferred upon him by resolution entered upon the minutes of the board.

Sec. 138. (As amended by Chapter 651, Laws of 1906). All payments from the poor fund shall be paid by warrants drawn upon the city treasurer, signed by the president of said board, the city clerk and the superintendent of charities, stating in every instance the name of the person to whom payable, the amount thereof and what the payment is for, with a reference to the resolution authorizing the same, giving the date thereof.

Sec. 139. Nothing in this act contained as to the qualifica-

tion of city officers shall be construed to prevent the appointment of women as commissioners of charity, and the mayor is hereby empowered to appoint not more than two women of full age, who are residents of the city of Rome, as commissioners of charity.

Sec. 140. The said board shall have power to appoint a competent physician, or physicians, whose duties shall be under the direction of the board of charity, to give medical attendance to the poor of the city, and to perform such duties as the board of charity may prescribe. The said board shall recommend to the common council the salary to be paid to such city physician, or physicians, and upon the determination of the salary, the said board shall be authorized to select a city physician, or physicians, who shall hold office during the pleasure of the board. The health officer shall not be eligible for the office of city physician.

TITLE XI.

OF TAXES AND THE COLLECTION THEREOF.

Sec. 141. All moneys raised by tax under any of the provisions of this act for the following purposes, namely:

1. For the purpose of cleaning and repairing streets; for building, extending and repairing the water and sanitary sewer systems of the city; for the city's portion of the expense of storm water sewers and for paving and improving streets in front of property owned by the city and at street intersections; for the schools within the corporation tax district; for the fire department; for lighting the streets and for the payment of the principal and interest thereon of any bonds issued or to be issued for any of such purposes, shall be levied and assessed only upon the property, real and personal, situate within the corporation tax district.

2. (As amended by Chapter 424, Laws of 1917). For the maintenance and repair of the highways in said city, outside the

corporation tax district, and the payment of the compensation and expenses of the district school superintendent, shall be levied and assessed upon the property, real and personal, in said city situate outside the corporation tax district by the supervisors of Oneida county in the same manner as if such district was a separate town of Oneida county.

3. All other moneys raised by tax under any of the provisions of this act, or of the general laws of the state, shall be levied and assessed upon the property, real and personal, of the entire city.

Sec. 142. The assessors shall make the assessment roll of the city in the manner and form prescribed by the general tax law of the state, and shall indicate thereon the taxable property and the name of the owners or occupants thereof included in the corporation tax district in a column separate from that containing a list of the taxable property, and the names of the owners or occupants thereof, situate in said city outside the corporation tax district. They shall also make a separate roll for each ward of the city.

Sec. 143. When assessors shall have completed their assessment roll they shall file the same with the city clerk and shall give notice for thirty days by posting such notice in three public places in the city and by publication thereof in the official newspapers published in the city, that such roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that on the third Tuesday of August next ensuing the board of review will sit to review the same.

Sec. 144. The board of review shall sit to review such assessment on the third Tuesday of August in each year, and shall continue their session as long as necessary, not more than four consecutive days, and when they have finished their review, shall forthwith file the corrected assessment roll certified by the board of review, together with their minutes certified as aforesaid, in the office of the city clerk.

Sec. 145. The city clerk shall immediately there upon proceed to prepare the roll for the ensuing year. He shall correct all clerical errors appearing therein, make a true copy of the assessment roll for each ward as corrected, certify under the seal of the city and deliver the same to the supervisors of the respective wards of said city on or before the first day of October in each year, to be by them presented to the board of supervisors of the county of Oneida as the assessment rolls for the several wards of the city. Nothing in this section shall be construed to prevent the board of supervisors of Oneida county from exercising in respect to the assessment rolls of said city delivered to them, or the taxes imposed by them thereby, the same powers which are vested in the board of supervisors in respect to assessment rolls of towns, or any correction thereof. The board of equalizers shall equalize the assessment rolls with those of the other towns of the county of Oneida as required by law.

Sec. 146. The common council shall annually cause to be levied and raised by tax upon the taxable property, real and personal, within the corporation tax district the sums approved by them for the purposes specified in subdivision one of section one hundred and forty-one of this act. The board of supervisors shall, annually, cause to be levied and raised by tax upon the taxable property, real and personal, in that portion of the city outside the corporation tax district, such sums as may be necessary for the purposes specified in subdivision two of section one hundred and forty-one and upon such property situated in the entire city such sums as may be necessary for the purposes specified in subdivision three of said section.

Sec. 147. (As amended by Chapter 468, Laws of 1905, Chapter 651, Laws of 1906, Chapter 131, Laws of 1911, and Chapter 488, Laws of 1918). The taxes raised in any year for the aforesaid city expenses (excluding the amount to be raised for state and county purposes, for school purposes, for town audit and expenses, and also the amount raised to pay the principal and interest on bonded indebtedness) shall not exceed one dollar and twenty cents upon every one hundred dollars of the assessed valuation of taxable property in said city, except that

in any year when the receipts from excise revenues shall be less than they were in the year of nineteen hundred and seventeen the tax rate shall be increased to an amount necessary to make up for any such deficiency in said revenues.

Sec. 148. (As amended by Chapter 468, Laws of 1905, Chapter 651, Laws of 1906, and Chapter 575, Laws of 1909). Each of the administrative boards of the city may, from time to time, between January first and March first in each year, make preliminary or partial estimates of the expenses of their respective boards for the current fiscal year, to be apportioned upon the property within the corporation tax district, and certify such preliminary or partial estimates to the common council; and the common council may also during such period make a preliminary or partial estimate of other necessary expenses of said city to be apportioned upon the property within the corporation tax district. Each of the administrative boards of the city may also from time to time, between January first and October first in each year, make preliminary or partial estimates of the expenses of their respective boards for the current fiscal year to be apportioned upon the property of the entire city and the property outside the corporation tax district; and the common council may also during such period make a preliminary or partial estimate of other necessary expenses of said city to be apportioned upon the property of the entire city and the property outside the corporation tax district. Upon the receipt of any such preliminary or partial estimate from any of said boards or upon the making of any such preliminary or partial estimates by the common council, the common council may approve of the same, and upon the approval thereof they shall, in accordance with section one hundred and forty-one of this act, apportion the amount of such preliminary or partial estimate so approved, upon the entire city, the corporation tax district and the property outside the corporation tax district. Whenever any such preliminary or partial estimate shall have been approved and the amount thereof apportioned, the common council may borrow upon the credit of the city, a sum not exceeding the amount of such estimate, and the amount so borrowed shall

be placed to the credit of the board or department making the estimate, and shall be used for the purposes indicated in the estimate and no others. Such sums so borrowed shall be paid from the proceeds of the tax levies within the fiscal year in which the loans are made, and provisions for the payment thereof shall be made in the tax levies of such fiscal year. Not later than the first day of March in each year each of said administrative boards except the board of water and sewer commissioners, shall make a final and complete estimate in detail of the expenses and income of their respective departments for the current fiscal year, the expenses of which are to be apportioned upon the property within the corporation tax district, and shall certify such estimate to the common council. The common council shall make a final and complete detailed statement by items of all other expenses of the city as estimated by it for the current fiscal year, to be apportioned upon the property within the corporation tax district, and shall cause all the aforesaid estimates to be published in the official newspapers of the city once previous to the regular or special meeting to be held in the month of March, at which said final and complete estimates are to be passed upon by it. At that meeting or any meeting to which an adjournment may be had, it shall revise such estimates and determine the entire amount necessary to be raised to defray the expenses of the city, to be apportioned upon the property within the corporation tax district for the current fiscal year. Not later than the first day of October in each year all of said administrative boards, except the board of water and sewer commissioners, shall make final and complete estimates in detail of the expenses and income of their respective departments for the current fiscal year, the expenses of which are to be apportioned upon the property of the entire city and the property outside the corporation tax district and shall certify such estimates to the common council. The common council shall make a final and complete detailed statement by items of all other expenses of the city as estimated by it, to be apportioned upon the property of the entire city and the property outside the corporation tax district, and shall cause all the aforesaid estimates to be published in the official newspapers of the city once previous

to the regular and special meeting to be held in the month of October, at which said final and complete estimates are to be passed upon by it. At that meeting or at any meeting to which an adjournment may be had it shall revise such estimates and determine the entire amount necessary to be raised to defray the expenses of the city for the current fiscal year, to be apportioned upon the property of the entire city and the property outside the corporation tax district. The common council may, by a vote of the majority of all its members approve or reduce, but shall not increase, any of the estimates of the various boards aforesaid, subject, however, to the limitations herein contained as to the estimates of the board of education. The common council shall, in accordance with section one hundred and forty-one of this act, apportion the aggregate amount upon the entire city, the corporation tax district and the property outside of said corporation tax district, respectively, and shall not later than the fifteenth day of May, levy the amount of tax so apportioned upon the property within the corporation tax district, and shall also levy the amount or portion of any partial or preliminary estimate that has been apportioned upon the property within the corporation tax district, at any time during the year, previous to that date. Any part or portion of any preliminary or partial estimate, or of any final and complete estimate that may be apportioned upon the entire city, or upon the property outside the corporation tax district, shall be included in the town audits, and shall be placed in the town budget, by the board of audit when said board meets as a board of town auditors for the year in which the apportionments were made. Upon the approval of such final and complete estimates, and the apportionment thereof, the common council may borrow upon the credit of the city, a sum not exceeding three-fourths of such estimates, which sum so borrowed shall be paid out of the taxes, levied within the fiscal year in which the loans were made.

Sec. 149. (As amended by Chapter 651, Laws of 1906, and Chapter 424, Laws of 1917). The city clerk under the direction of the common council, shall extend and apportion on the last preceding assessment-roll delivered to him, as aforesaid, said

tax so levied upon the corporation tax district, and shall forthwith file the same in his office; such roll shall then and on or before the first day of July, or as soon thereafter as practicable, be delivered to the treasurer of the city with a warrant annexed, under the seal of the city and signed by the mayor and city clerk commanding him to receive, levy and collect the several sums in the roll specified as assessed against the person or property therein mentioned or described, with such percentage of penalty and interest as in this act provided, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return this warrant and roll to the city clerk within ninety days after date of warrant. The provisions of sections one hundred and forty-eight and one hundred and forty-nine of said act, as hereby amended, relative to the time of presenting estimates of expenses and income, the publication of such estimates, the levying of taxes, the extending and apportioning of taxes on the assessment-roll and the delivery of the tax roll to the city treasurer shall not take effect until January first, nineteen hundred and seven, and until such time the present provisions of said sections one hundred and forty-eight and one hundred and forty-nine shall remain in force and effect.

Sec. 150. (As amended by Chapter 327, Laws of 1907). Immediately upon the delivery of the city roll and warrant to the treasurer he shall publish notice in the official newspapers published in the city that he will attend at the office of the city treasurer with said roll and warrant for thirty days after the first publication of said notice, from nine o'clock in the morning to three o'clock in the afternoon, to receive city taxes, and it shall be his duty to attend accordingly.

Sec. 151. (As amended by Chapter 651, Laws of 1906). All city and school taxes and assessments for local improvements paid within thirty days after the first publication of the treasurer's notice shall be payable without fee, percentage or interest thereon. On all city and school taxes or assessments remaining unpaid after the expiration of such thirty days, the treasurer shall collect five per centum additional, and on all remain-

ing unpaid after the expiration of sixty days an additional percentage of one per centum each month until paid. Neither the city treasurer nor any officer of the city of Rome shall enforce the payment or collection of city and school taxes assessed upon real estate in said city by levy upon and sale of personal property, but payment and collection thereof shall be enforced in the manner hereinafter provided by sections one hundred and fifty-nine to one hundred and sixty-three inclusive of said act as amended. The payment or collection of city and school taxes levied and assessed upon personal property may be enforced by the city treasurer by the levy upon and sale of the personal property of the person against whom the tax is levied which may be found within the city in the same manner as is provided by the general tax law for enforcing the payment and collection of taxes on real estate in towns by levy and sale of personal property. The provisions of this act relative to the enforcing the payment and collection of all unpaid city and school taxes in and for the city of Rome are hereby made applicable to the payment and collection of all unpaid taxes for the year nineteen hundred and five, and such payment and collection shall be enforced as herein provided. The warrants issued for the collection of state, county and town taxes shall be directed and delivered by the supervisors to the city treasurer, who shall collect the same in the manner and time provided for collection of taxes and make his returns to the county treasurer in the same time and manner and to the same effect and all provisions of law relating to the delivery of such warrants to town collectors, to the collection, enforcement of payment, sale and redemption of property and returns of state, county and town taxes and to the powers and duties of town collectors and the giving of a bond or bonds as provided by chapter nine hundred and eight laws of eighteen hundred and ninety-six, entitled "An act relative to taxation, constituting chapter twenty-four of the general laws", and all acts amendatory thereof and supplemental thereto, as amended, modified or repealed by chapter five hundred and fifty-nine laws of nineteen hundred and two, entitled "An act relative to the enforcement and collection of taxes in the county of Oneida", shall apply so far as applicable, except as herein otherwise provided or

inconsistent with this act. The said treasurer shall collect as fees the same amounts and in the same manner as hereinbefore in this section provided for fees for collecting city taxes and school taxes. The amount collected by him applicable to highway purposes shall be disbursed under the direction of the board of public works. The amounts applicable to the payment of town audits shall be applied by the city treasurer to the liquidation of town orders. All fees collected and received by the city treasurer on the collection of any taxes or assessments shall belong to the city. The provisions of this act relative to enforcing the payment and collection of all unpaid state and county and town taxes levied by the board of supervisors in the year nineteen hundred and five is hereby made applicable thereto, and such payment and collection shall be enforced as herein provided. . .

Sec 152. The treasurer shall give a receipt for each and all payments of city, school, county or state taxes, which receipt shall be signed by him, and shall separately state therein the items of such tax.

Sec. 153. (As amended by Chapter 651, Laws of 1906). If on the first day of August the amount of the revised estimates of either of the boards mentioned in section one hundred and forty-eight of this act required to be raised by taxation, shall not have been collected and deposited, then the amount of the deficiency shall be drawn by the treasurer from the general city fund and deposited to the credit of the fund or funds in the control of such board, and the city taxes on account of such fund thereafter collected, shall be placed in and belong to the general city fund. The provisions of this section as hereby amended shall not take effect until January first, nineteen hundred and seven.

Sec. 154. At the time of the delivery to him of any city roll or warrant the treasurer shall deliver to the city clerk a receipt acknowledging the reception by him of the duplicate roll and warrant, and shall then be charged with the whole amount which the roll and warrant delivered to him authorized him to

collect; and whenever any payment for county and state taxes shall be made, as herein provided, by the city treasurer to the county treasurer, the treasurer of the city shall stand charged with the same, and he shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the city clerk an affidavit stating the amount unpaid and setting forth the reason in each case why such tax or assessment is or has not been collected. The common council may thereupon order and authorize said treasurer to credit himself with the whole or any part of said tax or assessment unpaid and the treasurer shall be credited only with such amount as the common council shall so order. But no such settlement or any settlement had by the common council, or by any city officer, as to any tax or assessments shall be final or conclusive, and no bond or other security given by any treasurer shall be invalidated by or canceled on any such settlement, but shall remain in full force and be held for one year thereafter by the city.

Sec. 155. All city and school taxes and assessments remaining unpaid for sixty days after the date of the original warrant for the collection thereof, may be sued for by the city and recovered in an action against any person or corporation liable therefore, but a judgment in such action in favor of the city shall not operate to release any lien of such tax or assessment until satisfied.

Sec. 156. Every tax, assessment or other lien on real estate under this act, for whatever purpose imposed or charged upon any real estate within the city, shall be a lien upon such real estate from the time of the adoption of the resolution imposing the same until paid, and every assessment upon real estate imposed under this act may when due be collected in the same manner as herein provided for the collection of taxes.

Sec. 157. (As amended by Chapter 468, Laws of 1905). Upon the return of the warrant for the collection of any tax or assessment imposed upon any real estate in said city, the treasurer shall make and deliver to the assessors a transcript of any

and all such taxes which remain unpaid, and it shall be the duty of the assessors to make and deliver to the treasurer a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officers to make and include in such statement a corrected assessment at the same valuation as before, and the assessors shall also have the power, and it shall be their duty to insert in such revised roll any real estate in the city which may have been omitted in the general roll and assess the said real estate in such corrected assessment roll at its value at the time the original assessment was made, as such value may be determined by them, upon giving two days' notice thereof to the owner or agent of such property, they may add to such roll, with proper correction, the amount of any unpaid assessment for local improvements or judgments recovered on account of sidewalks built in front of any such property by the city and not paid at the time of making such corrected assessment roll; the assessors shall complete such revision within ten days after the delivery to them of such transcript as aforesaid, and shall give public notice that the board of review of assessments will meet at the assessors' office at a time after the expiration of such ten days to be designated by them, to hear objections and to correct any errors that may have been made in such corrected assessment roll; such notice shall be given by publishing the same for at least five days in the official newspapers of the city; the board of review, or a majority of the members thereof, shall on such days sit in review of such corrected assessment and shall subscribe to the assessments as corrected by them and deliver the corrected rolls to the city treasurer; such corrected assessments and the amount of the taxes or assessments levied upon said lands shall be as valid and effectual for all purposes as though they had originally been correct.

Sec. 158. The common council shall have all the powers in relation to the correction or otherwise of the city assessment rolls that the board of supervisors have or may have by statute in the case of town assessment rolls and town or county taxes,

and such powers shall be exercised in the same manner as they are or may be exercised by boards of supervisors.

Sec. 159. (As amended by Chapter 651, Laws of 1906). Whenever any such city or school tax, assessment, penalty or interest, or any part of either of them, shall remain unpaid for three months after the issue of the warrant therefor, the treasurer shall proceed to advertise and sell the lands upon which the same was imposed for the payment of such tax, penalty or interest, or the part remaining unpaid, and the expense of such sale, as hereafter prescribed, shall also be a charge upon such lands.

Sec. 160. (As amended by Chapter 651, Laws of 1906). The treasurer shall immediately after the expiration of said three months, cause to be published once a week for six successive weeks in the official newspapers published in the city, a list or statement of the parcels of land charged with any unpaid tax, penalty or interest, describing each parcel according to the description required by the last section, with a notice that each of the said parcels of land will on a day within ten days after the expiration of said six weeks, to be specified in said notice, be sold at public auction at a place in the city therein specified, to discharge the tax, penalty or interest and expenses aforesaid, which shall be due thereon at the time of sale. The charge for publishing said notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in said notice. On the day and at the place stated in said notice, the treasurer shall commence the sale of said parcels of land, and shall continue the sale from day to day until all shall be disposed of.

Sec. 161. The purchasers on such sales shall pay the amounts of their respective bids to the treasurer immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the treasurer shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold,

then the treasurer shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the treasurer shall prepare and execute in duplicate as to each parcel sold a certificate of such sale, describing the parcel purchased by a general brief description of the location, boundary and estimated quantity thereof, and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the treasurer. The treasurer shall deliver the other duplicate certificate to the clerk of the county wherein the city is situated, who shall file said certificate in his office and record the same in a book to be kept in the said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner and in the name of the purchaser, in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of fifty cents for each certificate so filed and recorded, which fee shall be paid by the treasurer and shall be a part of the expenses of the sale of the parcel.

Sec. 162. If from any cause the treasurer shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the treasurer.

Sec. 163. The proceeds of the sale of each parcel other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and to the extinguishment of the tax, penalty or interest for which it was sold, and if there shall be any residue, the treasurer shall hold the same until the owner of the premises at the time of such sale, shall redeem them from the sale as herein provided, and

then the treasurer shall pay such owner the said surplus. In all other cases the treasurer shall hold the same until after the period of redemption shall have expired, and then he shall pay such surplus, and the person or persons entitled thereto, shall be ascertained in the same manner and by the same proceedings as in case of surplus on statutory foreclosure of a mortgage on real estate.

Sec. 164. The owner of, or any person interested in or having a lien upon any parcel or lot so sold, may redeem the same from such sale at any time within two years by paying to the treasurer, for the use of the purchaser or his assigns or, if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate, with interest thereon at the rate of twelve per centum per annum from the date of sale, together with any tax, assessment or water rate upon said parcel, or any part thereof, that the said purchaser or assigns or persons before redeeming shall have paid between the day of sale and day of redemption, with interest at the rate of twelve per centum per annum upon such tax, assessment or water rate from the time of payment.

Sec. 165. At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the treasurer shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least once a week for six successive weeks in the official newspapers of said city. The publication of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his heirs or assigns, or the person finally redeeming, from claiming any interest in or lien upon said lands, or any part thereof, in case the said lands shall not be redeemed from such sale as herein provided.

Sec. 166. If any parcel or lot so sold shall not be redeemed

as herein provided, the treasurer immediately after the expiration of the said two years, shall execute and deliver to the purchaser, his heirs or assigns, or to the city or its assigns, or to the person finally redeeming, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee, an estate in fee subject only to the liens, if any, of unpaid taxes, assessments or water rates thereon. The treasurer executing such conveyance shall be entitled to demand and receive from any grantee except the city one dollar for preparing every such conveyance, but all such purchases made for the city in any year shall be included in one conveyance.

Sec. 167. Every such conveyance shall be executed by the treasurer, and the execution thereof, shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate.

Sec. 168. The said grantor, or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance, and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Sec. 169. Whenever any grantee under any sale shall be unable to obtain possession of the lands conveyed to him by reason of any error or irregularity in the assessment of any person or property or in the levying of a tax or any proceedings for the collection of any tax, the common council shall refund to the purchaser the money so paid with interest, the same to be audited and paid as other city charges.

Sec. 170. After the city shall have acquired the title to any land sold for taxes, such lands shall be exempt while owned by the city from all taxes. Whenever a sale of any lands belonging to the city shall be made, the city clerk shall forthwith notify the assessors thereof, who shall certify to the common council the assessed valuation of said lands, with the name of the person or persons to whom the same are assessed, and the said council shall add the same to the city assessment roll and apportion and levy the proper tax thereon.

Sec. 171. Whenever any assessment or other lien upon real estate under this act, except taxes, shall have remained unpaid in whole or in part for four months from the date when the same became a lien, the common council may direct the treasurer to sell the land upon which such a lien exists, and the treasurer shall thereupon make and deliver to the assessors a statement thereof, and the assessors shall make and deliver to the treasurer a description of such lands as hereinbefore provided, and he shall forthwith proceed to advertise and sell said lands in the same manner as in case of unpaid taxes, and all the provisions of this act as to such sales shall apply to sales under this section.

Sec. 172. In case of the redemption of any lands sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the treasurer shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the county clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office.

Sec. 173. Whenever any assessment for any local improvement shall have been imposed under the provisions of this act, upon any real estate in the city, it shall be lawful at any time within the period fixed for the payment of said assessment for the owner or owners of said real estate upon which said assessment is imposed, to file with the treasurer of such city, a written application that the said city shall assign and transfer to such person, persons or corporation as said owner or owners

may in said application name, the assessment in question and the right of the city to recover of such owner or owners and from said real estate, the amount of said assessment and interest thereon, in which application such owner or owners shall expressly waive all defense to such assessment, which waiver shall be conclusive against such real estate. Upon the filing of such application and the payment to the city of the full amount of such assessment with interest thereon due, the city shall by its treasurer execute and deliver to said person, persons or corporation named by said owner or owners a proper instrument in writing, selling, assigning and transferring to such person, persons or corporation the assessment imposed upon the real estate in said application described, and all the right of such city to recover from said owner or owners or from or out of the said real estate the amount of said assessment and any interest thereon; and further transferring and assigning to said assignee or assignees the lien of such city upon such real estate by reason of said assessment. The amount of such assessment shall, from the date of said transfer, bear interest at such lawful rate and be payable at such time as may be agreed upon between said owner or owners and the said assignee or assignees by an agreement or by successive agreements endorsed upon said assignment and transfer, or upon any subsequent assignment thereof. After the execution of such written instrument of assignment or transfer, the lien of said assessment theretofore existing in favor of such city upon said real estate shall continue to exist in favor of such assignee or assignees or his or their legal representatives or assigns, providing, however, that said lien shall terminate at the end of three years after the date when said assessment or any installment thereof becomes due, unless an action for the foreclosure thereof shall be sooner brought and a notice of the pendency of said action filed in the clerk's office of the county wherein the city is situated. The holder of such assignment or transfer shall, upon default in the payment of the amount of said assessment and interest at the time agreed upon have the right to collect the amount due and enforce his said lien by an action for the foreclosure thereof.

Sec. 174. There shall be kept by the city treasurer in his office a book in which shall be kept a record of all assessments so assigned, containing a transcript of the assessments from the original assessment roll, the name of the person or persons who as owner made the application for the assignment, the date of the assignment and the name of the assignee or assignees. Such record shall be indexed in the name of the person or persons against whom the assessment was made, and in the name of the person making the application for the assignment. Upon making such assignment, the treasurer shall mark upon the original assessment roll opposite the assessment so assigned a statement that such assessment has been assigned, the name of the assignee or assignees, and a reference to the record thereof, in the aforesaid book. A note of any subsequent assignment, if any, by such assignee or assignees shall be made by the treasurer on the record thereof in the said record book, and such assignment shall be filed with the treasurer. On the filing with the treasurer of a satisfaction piece, properly executed by the original assignee or assignees or by his or their legal representatives or assigns showing the payment of said assessment and all interest thereon, he shall thereupon mark opposite said record in said book the words "satisfied of record."

Sec. 175. (As amended by Chapter 468, Laws of 1905, Chapter 443, Laws of 1912, and Chapter 424, Laws of 1917). Whenever the common council shall resolve by the affirmative vote of two-thirds of its members that an extraordinary expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one, and publish such resolution and estimate, together with a notice that at a time and place therein specified election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax in the official newspapers of the city three times in each week during the two weeks next preceding the date fixed for such special election. When the use for which money is to be raised at a special elec-

tion shall be for the purpose of the corporation tax district the franchise shall be limited to the taxpayers residing within the said corporation tax district. The common council shall appoint three inspectors of such election and the mayor shall fill all vacancies occurring among them. All provisions of law prescribing the duties of the inspectors of election and their powers and with reference to preserving order at election and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special elections held hereunder. Every taxpayer, male or female, whose name shall appear upon the last assessment roll of the city before such special election, and no other person shall be entitled to vote at such election. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required, and the amount thereof, and opposite each of such statements the word "for" or the word "against." The inspectors shall at the time and place designated as aforesaid sit without intermission from eleven o'clock in the morning until nine o'clock in the evening, to receive the ballots cast at such election, and shall deposit the same in a suitable ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are a taxpayer of the city of Rome and that you have not voted at this election?" After he shall take such oath and if his name shall appear upon the assessment roll aforesaid his vote shall be received. The inspectors shall canvass the votes received immediately after closing the polls, and immediately make a certificate, signed by them or two of them, stating the whole number of ballots voted at such election, the whole number for each special tax and the whole number against each special tax, and deliver the same forthwith to the city clerk. The city clerk shall deliver the same to the common council at its next meeting and it shall cause the result of election thus certified to be entered in its minutes, and if the whole number of votes received at such election for any such special tax exceeds the whole number of votes against the same, the common council shall cause the sum or sums of money thus voted to be

assessed, levied and raised with and in addition to other taxes in and upon the next assessment roll, except that only one-half of the sum of fifty thousand dollars, voted at a special election held in said city on January ninth, nineteen hundred and twelve, to be raised by taxation for the purpose of constructing and furnishing a new school building on the Thomas street school site, shall be assessed, levied and raised with and in addition to other taxes in and upon the assessment roll for the year nineteen hundred and twelve; but the board of education of said city shall have the power to draw upon and use, during the year nineteen hundred and twelve, such other or further amounts as may be necessary for the construction and furnishing of said proposed new school building from the general school fund which shall be provided and raised for school purposes upon the tax roll for the year nineteen hundred and twelve. Said board of education shall present to the common council of said city at its first meeting in January, nineteen hundred and thirteen, a detailed statement and estimate of the amount necessary to complete and furnish said new school building, if the same shall be built, and also a detailed statement of any deficiency that there may be in the general school fund of the year nineteen hundred and twelve, and said common council shall thereupon immediately approve of said estimate and statement and apportion, levy and assess the same upon the property both real and personal within the corporation tax district of said city, and shall immediately borrow upon the credit of the city, a sum not exceeding the amount of said estimate and statement, and the amount so borrowed shall be placed to the credit of the school fund to be used in paying for the expense of the construction and furnishing of said school building, and reimbursing the general school fund because of any sum or sums used therefrom for that purpose, and said sum so borrowed shall be levied, assessed and collected upon the tax roll for the year nineteen hundred and thirteen in addition to the taxes levied and assessed upon said roll for other purposes. No more than one such election shall be held in any one year, except upon the unanimous vote of all the members of the common council. After such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount

thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election. The common council may at such special election submit a proposition that any part of the amount to be expended for such purpose may be raised by special taxation and the balance by bonds of the city, or that the whole thereof shall be raised by bonds of the city, instead of the proposition that the whole of such expenses be raised by special tax. The common council may borrow, if necessary, the amount so voted in anticipation of the collection of the said tax, and the amount so raised or borrowed shall be expended only for the purpose for which the special tax was voted, and shall be repaid within one year from the proceeds of the tax; or in case that it shall be voted to bond the city for any part or the whole of such expense, as above provided, the common council may issue coupon or registered bonds of such denomination and bearing such interest, not exceeding five per centum per annum, and running for such terms as it may by resolution determine, such bonds to be sold at not less than par, and said common council may raise by taxation such sum, in addition to all other sums now authorized, sufficient to pay the interest upon said bonds, and the principal thereof when it shall become due.

Sec. 176. (As amended by Chapter 468, Laws of 1905, and Chapter 703, Laws of 1911.) The common council shall not have power to borrow, and is hereby expressly prohibited from borrowing any money on account of the city except as provided in this act. But in case of the recovery of any final judgment against the city which can not be paid out of the general city fund after defraying the ordinary expenses of the city payable from such funds the common council may borrow an amount sufficient to pay such judgment or judgments, or so much thereof as may be necessary and shall include the amount so borrowed in the tax levy for the following year and the amount so borrowed shall be repaid within one year from the proceeds of said tax. The common council shall also upon the request of the board of public works have power, and it shall be the duty of the said common council to borrow in anticipation of the collection thereof by assessment or otherwise, an

amount sufficient to pay the city's and property owners' share of the expense of constructing or improving state or county highway within the corporation tax district under the provisions of the highway law of the state of New York and all acts amendatory thereof and supplemental thereto. The board of public works shall, upon receipt of a certificate from the state highway commission or other board or officer having in charge the construction or improvement of such county or state highways, within the corporation tax district, certifying the total amount to be paid for by the city by local assessment or otherwise, have power and it shall be the duty of said board of public works to assess the amount thereof in the same manner and as provided by title twelve of this act as hereby amended, and all provisions of said title in relation to the collection of such assessment or assessments and the enforcement thereof shall apply thereto.

Sec. 177. The common council, excepting as herein otherwise expressly provided, shall not create any pecuniary obligation whatever on the part of the city which shall not be payable in the calendar fiscal year, and which can not be discharged from the income of the same year, excepting that a contract may be made for the lighting of the public streets, parks and places of the city for a period not exceeding five years, but the total amount of the expense of lighting the streets and parks of the city for each year shall be raised by taxation as herein provided. The fiscal year in said city shall commence on the first day of January.

TITLE XII.

LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

Sec. 178. (As amended by Chapter 327, Laws of 1907, Chapter 245, Laws of 1908, and Chapter 573, Laws of 1915). Subdivision 1. Prior to the passage of any ordinance or resolution providing for the paving or improving of any street, or portion of any street, except sidewalks, the board of public works shall cause to be published for

at least three times a week during two successive weeks a notice in the official newspapers of the city, that at a time and place to be therein specified, it will meet to make a determination in respect thereto; such notice shall contain a brief description of the character, location and extent of the proposed improvement. Any person interested shall be entitled to be heard at such meeting; if before such a meeting a protest against the improvement, in writing, signed by the owners of a majority of the lineal feet frontage upon the street, section of a street, public place or square proposed to be improved, exclusive of any portion thereof owned by the city, or intersections of streets and acknowledged as deeds of real estate are required to be acknowledged, be filed with said board, it shall not decide in favor of the proposed improvement nor shall it again consider the same within one year, but the owners of a majority of the frontage of said street, or of a smaller section of the same, not less than one block in length on said street, may file with the said board a petition therefor, and in that case the said board may, at any time, decide in favor of the improvement as therein requested. If the board of public works shall determine that such improvement ought to be made, it shall present to the common council a plan and accurate specification of the proposed improvement with a written statement specifying the location, character and extent of such improvement, of what materials the same is to be made, and estimated cost thereof, specifying the particulars and items of said cost, with a copy of the resolution of the board of public works determining that such improvement ought to be made, and an estimated statement of the amount of such expense which should be borne by the city and of the amount which should be borne by local assessment, and the amount to be paid by any street surface railway, such statement to be signed by the president of the board of public works. The common council shall thereupon consider such recommendation and either approve or reject the same. In case the common council approve such recommendation, it shall by resolution authorize the board of public works to make such improvement, and the city clerk shall return to the board of public works a copy of such resolution, certified by him, and the same shall be entered upon the minutes of said board. The

board of public works, subject to the approval of the common council, as aforesaid, may in its discretion adopt plans and specifications providing for different kinds of paving or materials. If the board of public works shall decide that any storm water sewer ought to be built, it shall present to the common council a written statement specifying the location, character and extent of such proposed sewer, of what materials the same is to be constructed and the estimated cost thereof, specifying the particulars and items of such cost, and also an estimate of the amount to be paid by the city and of the amount to be borne by local assessment, such statement to be signed by the president of the board and accompanied by a copy of the resolution that the same be built. In case the common council shall approve such recommendations, it shall by resolution authorize the board of public works to build such sewer, and the city clerk shall return to the board of public works a copy of such resolution, certified by him, and the same shall be entered upon the minutes of said board. The board of public works may borrow for the purpose of paying for the cost of street improvement thirty days after the work shall have been accepted by the city, in anticipation of the collection of assessments therefor, an amount sufficient to defray the cost of such improvement. All sums of money expended in the payment of interest upon such sums as may be borrowed shall be included in and be apportioned and assessed as part of the cost of such improvement. The interest to be assessed as above shall not be for a period to exceed sixty days. If for any reason the assessments are not collected within sixty days any further interest which may become due upon such loan shall then become a charge against and shall be paid out of the paving fund of the board of public works. Nothing herein contained shall be deemed to supersede section eighty-seven of this act.

Sub. 2. (As amended by Chapter 245, Laws of 1908, and Chapter 161, Laws of 1916). The board of public works is hereby authorized and empowered to improve the following highways, roads and streets within the corporation tax district, viz: East Dominick street from corporation tax district line to brick pavement at Rome Locomotive

and Machine Works; West Dominick street from corporation tax district line to Charles street; North James street from corporation tax district line to Maple street; South James street from corporation tax district line to the old Erie Canal bridge, by paving or macadamizing the same, and also to repave or resurface any street or road that may have been previously paved within said corporation tax district, with such material or materials as said board of public works may determine, subject to the approval of the common council. Before taking final action thereon the board of public works shall cause to be prepared plans and specifications for the improvement of said highways, roads and streets, with an estimate of the cost thereof, and present the same to the common council for action thereon. If the common council shall approve and adopt said plans, specifications and estimate, as aforesaid, the said board of public works may determine and decide that said improvement ought to be made. The expense and cost of making such improvement, as in this subdivision provided, excepting, however, the expense and cost of repaving or resurfacing any street or road as hereinbefore provided, which shall be a tax levied and assessed upon the taxable property within the corporation tax district in said city, shall be levied and assessed by the board of supervisors of Oneida county upon the taxable property, real and personal, of the entire city, provided, however, that the common council shall, upon the recommendation and request of the board of public works, issue bonds to be known as highway bonds, in an amount sufficient to defray the expense of the improvement of said highways, roads and streets aforesaid. Said bonds shall be issued in the name of the city of Rome, and be signed by the mayor and city clerk under the corporate seal of said city, and shall be issued in such denominations and be payable at such time or times, not exceeding twenty years from the date of issue, as the common council may determine. Said bonds shall be sold at not less than the par value thereof, and shall bear interest at the lowest rate at which the same can be sold, not exceeding the legal rate of interest: The board of supervisors of Oneida county shall annually cause to be levied and raised by taxation, upon the taxable property, real and personal, of the entire city, such sum as may be nec-

essary to pay the interest and principal due or to become due on said bonds. The proceeds of the sale of such bonds shall be applied toward the payment of the cost of the improvement of the highways, roads and streets hereinbefore mentioned. None of the provisions contained in subdivision one of this section shall apply to the work and improvement mentioned and provided for in this subdivision.

Sec. 179. (As amended by Chapter 468, Laws of 1905, and Chapter 327, Laws of 1907). The plans, specifications, descriptions, quantity sheets and estimates of cost of the work adopted by the said board of public works shall be filed in the office of the city engineer, and a notice shall then be published in the official newspapers of the city of Rome inviting sealed proposals to do the work pursuant to the plans, specifications, quantity sheets and descriptions so adopted, which notice shall be published at least six times in such official papers. No proposal shall be considered which shall not be accompanied by a bond with sureties and in a penalty, both to be approved by the board of public works or by certified check for an amount and upon a bank to be approved by said board, conditioned that if the proposals be accepted the person proposing will enter into the contract upon the terms proposed and will give a further bond with sureties and in an amount to be approved by the said board, conditioned that the person proposing will construct the work at the price and upon the terms proposed, according to the plans and specifications and quantity sheets filed with the city engineer and subject to the supervision and approval of such persons as the board may designate for that purpose; and that the person making the proposal will erect and maintain suitable guards and lights to prevent injuries to such work, or to persons or property by or in consequence of the prudent and careful use of such street, lane, alley, side or crosswalk during the progress of such work, and will save the city harmless and indemnify it against all loss, damage or other expense that may arise by or through any neglect of such person or those in his employment, to erect or maintain such guards, lights or either of them. Said proposals shall be received and opened at the

next meeting of such board after the completion of the publication of said notice. And if from any cause said proposals are not opened they shall be returned to the bidders, and it shall be lawful for the said board to receive, open and act thereon at any meeting thereafter, and if opened and no action is taken thereon at the time designated action may be taken at any meeting thereafter. The contract shall be made with the lowest bidder for the kind of paving or material as determined by the board of public works subject to the approval of the common council, unless said board of public works determines to reject all said proposals and cause like notice to be published that other proposals will be received in the manner above specified, but no contract shall be let for a sum in excess of the estimated cost of the work.

Sec. 180. (As amended by Chapter 573, Laws of 1915, Chapter 161, Laws of 1916, and Chapter 542, Laws of 1918). In case the work shall be grading, leveling or paving, macadamizing or telfordizing a street, lane or alley with or without storm water sewers, the city engineer shall ascertain the aggregate front length of lots upon both sides thereof, and the front length of each lot or parcel with an accurate description thereof, and the name of each owner so far as it can be ascertained. The board of public works shall then determine the expense of the whole work, including the expense of surveying, advertising and preparing the assessment lists, and cause the average expense upon each foot of the parcels of land on both sides of said street, lane or alley, including cross streets, to be ascertained and each and every lot or parcel of real estate to be assessed with its portion of the expense by multiplying its number of feet front into the average expense per foot. The expense of grading, leveling, paving, repaving, macadamizing or telfordizing intersections, crossings and junctions of streets and alleys, and in front of lands of the city of Rome, and making of crosswalks, sidewalks, drains or sewers therein or thereon, and the cost of repaving or resurfacing any street or road that shall have been previously paved shall be borne by that portion of the city of Rome within the corporation tax district, and the amount thereof shall be raised by a general tax as provided in this act.

Provided, however, that the city of Rome, by its common council, is hereby authorized and empowered, and it may, by resolution duly adopted, issue and sell bonds annually in the name, in behalf of and upon the credit of said city in an amount not exceeding in the aggregate at par value the city's annual share, portion or part of the cost and expense of extending and constructing street improvements, and the proceeds of such bonds shall be applied by said common council for the objects and purposes aforesaid, and for no other purpose. Such bonds shall be signed by the mayor and city clerk and sealed with the seal of said city. They shall be issued for such length of time, not to exceed five years from the date of issue, and at such rate of interest, not to exceed four and one-half percentum per annum, and upon such other terms as said common council shall determine, and shall be sold for not less than their par value and accrued interest. They may be sold at public or private sale, as said common council may determine. They shall be numbered consecutively from one to the highest number issued, and the city clerk shall keep a record of each bond, the date, amount, rate of interest, when and where payable, and the purchaser thereof. It shall be the duty of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable and from time to time in like manner to raise the money necessary to pay the principal of said bonds as they shall fall due.

In the event that there shall remain a portion or the whole of a block on any street, not exceeding eight hundred feet in length, which has not been paved, macadamized or telfordized, lying between portions of said street or intersecting with streets which have been paved, macadamized or telfordized, the board of public works shall have the power, subject to the approval of the common council, to enter into a contract for paving, macadamizing or telfordizing that portion of said street so unimproved, the expense connected therewith to be determined and assessed in the same manner as is provided for other paving, macadamizing or telfordizing under this act. The provisions of this section relating to paving a portion or the whole of

a block on any street not exceeding eight hundred feet in length, lying between streets which have been paved, shall only apply to streets or alleys over fifty feet in width.

Sec. 181. Every street surface railroad corporation so long as it shall continue to use any of its tracks in any street, avenue or public place in the city, shall pave or improve and have and keep in permanent repair that portion of such street, avenue or public place between its tracks, the rails of its tracks and two feet in width outside of its tracks, under the supervision of the board of public works whenever required by them to do so and in such manner as they may prescribe. In case of the neglect of any such corporation to make pavements or repairs after the expiration of thirty days' notice so to do, the board of public works may make the same at the expense of such corporation. Nothing in this section and nothing contained in this act shall repeal or in any manner affect the validity of chapter five hundred and eighty-nine of the laws of eighteen hundred and ninety-nine, or the agreement therein mentioned.

Sec. 182. In case the work shall be construction of a storm water sewer or drain separate from paving, macadamizing or like street improvement, the expense of such sewers, including surveying, advertising and preparing assessments, shall be assessed upon the real property deemed benefited thereby as near as may be in proportion to the amount of its benefits. In case the sewers shall be constructed at the same time with the paving, macadamizing, telfordizing or like improvement of streets, the expense thereof may be regarded as a part of such pavement or improvement and included in the assessment therefor, and for which bonds may be issued. If the storm water sewer or drain is the continuation or extension of one previously existing in making the assessment such sums as have been previously assessed upon the real estate benefited shall be taken into consideration in order so far as practicable, to render the assessment equal upon each lot or parcel, considering the whole drain or sewer as continued or extended.

Sec. 183. The common council is hereby authorized and em-

powered at any time upon any paved or unpaved street, or upon any street where improvement is contemplated, to compel the residents of any such streets and the property owners whose lots front or abut thereon, to lay house connecting drains, gas and water pipes in the manner they shall provide, from the line of curbing in front of their property on any street to the sewer, gas and water mains or pipes or either connecting them therewith, and said common council may pass ordinances therefor. Whenever the residents or owners of said property fail to comply with the regulations or ordinances of the common council passed pursuant to the authority hereby conferred, the same may be done by the board of public works at the expense of such owners. Such expense shall be assessed upon the real property so connected and added as a separate item to the assessment for local improvement and collected by distress and sale as hereinafter provided.

Sec. 184. (As amended by Chapter 327, Laws of 1907). In case the work shall be the construction or improvement of a sidewalk, each lot or parcel of land fronting thereon shall be assessed with the expense of its construction in front thereof in the proportion of its frontage to the whole frontage. It shall be in all cases the duty of the owner of any lot or piece of land within the corporation tax district to keep the sidewalk adjoining his lot or piece of land in good repair, and also the duty of any such owner or occupant to remove or clean away snow, ice or other obstruction from such sidewalk, and to keep half the street or alley adjoining the same free from obstruction or obstacles. The board of public works shall have power to repair any sidewalk when the owner of the property shall neglect to repair the same for five days after written notice to do so has been served on him personally or left at his residence, if his residence be known or can be ascertained or otherwise on being left with some occupant of the residence. Where a part or portion of a sidewalk on either side of any street in a block between streets less than a majority in front footage* of said block is not

*So in original.

flagged or improved, the owner of the property fronting on such sidewalk shall cause the same to be flagged or improved within thirty days after service of notice by the board of public works to build or improve such walk. The service of such notice may be made personally, and, if the owner can not be found, by leaving such notice with the occupant or a person of suitable age residing thereon. If such owner fails to do the work within the period of time above provided, the board of public works may cause the work to be done, and the expense thereof shall be assessed and collected as in this section provided. The city engineer shall also have power to clean snow, ice or other obstruction from any sidewalk where the same shall have remained for twenty-four hours, and the expense of making such repairs or cleaning any sidewalk or street shall be a charge upon the property adjacent thereto, and no ordinance for the same need be passed or notice published or posted. Thereupon the board of public works shall send to the owner of said premises, if his address be known or can be ascertained by reasonable diligence, an itemized statement of the expense of such repairs or cleaning, and if such expense is not paid to the city treasurer within thirty days, the amount thereof, with interest at five per centum from the time of sending such itemized statement, shall be added to the amount assessed against such land for the next general city tax, and the whole amount of such assessment shall be collected in the same manner as general city taxes.

Sec. 185. (As amended by Chapter 327, Laws of 1907). When work of any local improvement has been completed, the board of public works shall direct the cost and expense thereof to be assessed by the city engineer, and it shall be the duty of the city engineer to immediately assess the cost and expense, including surveying, advertising, inspection and assessment of such local improvement, upon the property lying within the district of assessment as heretofore provided, separately, assessing and stating the amount assessed for paving, sewer or sidewalk respectively, and also stating the amount to be paid by the city by a general tax separately, stating the amount for paving, sewer, sidewalks or crosswalks. When the city engineer

owns or is interested in any local improvement or is related to any person owning or interested in such real property by consanguinity or affinity within the sixth degree, to be determined in the same manner as in the case of a judge, the board of public works shall appoint some suitable person to make such assessment in his stead. He shall make an assessment roll and set the amount of the tax assessed for each of said improvements opposite the name of the person, corporation, association and property assessed, which property shall be briefly described by number of lot or otherwise so that it may be located and identified. When completed said assessment roll shall be deposited in the office of the city engineer and the city engineer shall give public notice in the official papers for one week of the completion thereof, and send written notice by mail to each person so assessed, addressed to his last known residence, that such assessment roll has been prepared and will remain at said office for ten days from the date of said notice, during which time any person interested may examine such roll. On the day and hour specified in said notice the said board of public works shall hear and consider any objection to said assessment and shall decide upon the same and shall if need be alter and correct said assessment roll, and when completed sign the same and file it with the clerk.

Sec. 186. Within ten days after the assessment roll is completed, signed and filed, any party thinking himself aggrieved may file with the city clerk a written appeal therefrom briefly stating the grounds of such appeal. The board of public works shall thereupon proceed to hear and determine such appeal or appeals upon view of the property assessed or upon evidence, or both, and affirm or reverse the assessment, and for such purpose may by subpoena compel the attendance of witnesses and production of papers. In case of affirmance the proceedings thereafter to collect the said assessment shall remain the same as if no appeal had been taken; in case of reversal the board of public works shall appoint three disinterested freeholders of the city who shall proceed in like manner and for such purpose be invested with the same power as the city engineer, to make a new assessment;

they shall make their tax roll in the same manner and sign the same and file it with the city clerk, and it shall be conclusive upon all parties; such freeholders shall receive four dollars per day for their services, to be paid by the city unless the assessment of the appellants, as determined by said freeholders shall be no more favorable to them than the assessment appealed from, in which case the fees of such freeholders shall be paid by the appellants and added to the amount of their tax respectively by said freeholders in proportion to the amount thereof.

Sec. 187. If no appeal is taken from the first assessment roll filed with the city clerk, or if an appeal be taken therefrom and such assessment be affirmed, the board of public works shall cause the proper warrant to be attached thereto and to be delivered to the city clerk. If an appeal be taken from such first assessment and the same be reversed the board of public works shall cause the proper warrant to be attached to the second assessment roll filed by such freeholders and to be delivered to the city treasurer, thereupon the city treasurer shall receive the taxes for said local improvements for thirty days without fees.

Sec. 188. (As amended by Chapter 468, Laws of 1905). In case the work shall be the paving, macadamizing, telfordizing or improvement of a street, upon the making and delivery to the city clerk of the assessment roll as provided in this act, and giving notice by publication thereof in the official papers that the city treasurer will receive said assessments or taxes for the thirty days from the date of the first notice, the said city treasurer shall receive said assessments without fees. Upon the expiration of said period of thirty days, the city treasurer shall certify to the board of public works the whole amount unpaid upon said assessments, and thereupon the board of public works shall certify to the common council, which shall issue local improvement bonds to be known as "paving bonds" in an amount not exceeding the amount of said local assessment, which bonds shall mature one-fourth in one year, one-fourth in two years, one-fourth in three years and one-fourth in four years from a

date not more than thirty days after the date of the certificate of the city clerk. Said bonds shall be executed by the mayor and the city clerk under the corporate seal of said city, and shall be sold at not less than par value thereof, and shall bear interest at the lowest rate at which the same can be sold, not exceeding the legal rate of interest, and which interest shall be payable on each series of bonds annually, and said bonds shall briefly specify the improvement for which they were issued. The proceeds of the sale of such bonds shall be applied toward the payment of cost of such improvement. In any case where the common council shall issue such paving or improvement bonds, as authorized herein, the payment of such taxes shall become due and payable at the time or times and subject to the penalties hereinafter prescribed; one-fourth thereof each year for four consecutive years, the time of such annual payments to be computed from the date of filing the assessment rolls with the city clerk, with interest added at the rate of not to exceed the rate of interest named in said bonds per annum to the time of such annual payments, and such payments to be subject to the said penalties and all provisions for the enforcement and collection of said assessments. In case of any default in payment of any installment within thirty days after the same shall have become due and payable as above provided, the whole amount of the tax assessed upon such improvement against the person, corporation, association or property so in default, with fees and interest computed upon such whole amount, shall thereupon become due and payable, and the city treasurer shall proceed to collect the same with the fees and interest, by sale of the property as hereinafter provided. No action or proceeding to set aside, cancel or annul any assessment made under the provisions of this title, shall be maintained by any person unless such action or proceeding shall have been commenced within thirty days after the delivery to the city clerk of the city of Rome of the assessment rolls, and unless within said thirty days an injunction shall have been procured by such person from a court of competent jurisdiction, restraining the common council from issuing the paving bonds hereinbefore provided to be issued for such assessment. The moneys received by the city treasurer from the sale of bonds

or collection of assessments shall be used for no other purpose than the local improvement for which the same was assessed.

Sec. 189. Upon receiving said assessment rolls with the warrant or authority to collect assessments other than those provided for in section one hundred and eighty-eight, the city treasurer shall give notice in the official papers of the city of the receipt by him of such assessment rolls and warrants and that all persons named therein are required to pay their taxes at his office on or before the expiration of thirty days from the date of said first publication. During said thirty days every person, company, corporation or association may pay his, her or their taxes, assessments and installments to said city treasurer without fees.

Sec. 190. In case any of said taxes, assessments or installments remain unpaid after the foregoing proceedings shall have been taken, the city treasurer shall proceed to advertise and sell the real estate assessed in the manner hereinafter provided for the collection of such taxes, and fees at five per centum and interest at ten per centum and the expense of advertising and selling the same shall be added to and made a part of such taxes. The said city treasurer shall cause to be published at least once a week for three weeks in the official papers of the city, a list or statement of the real estate, charged with the payment of such taxes, interest and fees, so liable to be sold, and also a notice that the said real estate will on a day at the expiration of said three weeks to be specified in said notice and the succeeding days, be sold at public auction at a place to be designated in said notice, in the city of Rome, to pay the taxes, assessments, expenses, fees and interest thereon, which may remain unpaid at the time of such sale. On the day named in said notice the city treasurer shall commence the sale of real estate and shall continue such sale from day to day until the whole thereof shall be sold.

Sec. 191. The purchasers at such sale shall pay the amount of their respective bids to the said city treasurer within forty-eight hours after the sale, and thereupon the said city treas-

urer shall execute to each purchaser a certificate in writing, which shall contain the description of the real estate purchased, the amount paid therefor, the date of the sale and that the same was sold for unpaid taxes and assessments. Such purchaser, or his legal representatives or assigns, may by virtue thereof and of this act, lawfully possess, hold or enjoy for his and their own proper use and benefit the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided; and he or his assigns or heirs, at any time after the time limited in the next section of this title for the redemption of said premises shall have expired, and the notice therein provided for has been given, and said premises shall not have been redeemed as therein provided, may cause the occupant of such real estate to be removed therefrom, and the possession thereof, to be delivered to him in the same manner and by the same proceedings, by and before the same officers, as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

Sec. 192. The owner of, or any person interested in, any real estate sold for taxes or assessments, as aforesaid, may redeem the same at any time within one year after the date of such sale, by paying to the city treasurer for the use of the purchaser upon such sale, his heirs or assigns, the sum mentioned in the certificate given him, and the interest thereon at the rate of twelve per centum per annum to be calculated from the date of such certificate. Notice shall be given by the purchaser of any real estate sold under the provisions of this title, or his representatives or assigns, to all persons interested, at least three months before the expiration of the time of redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until such notice shall have been given; such notice shall state the lot or parcel of land to be redeemed and the amount required to be paid upon such redemption, the last day of redemption of any such real estate and the office or place where the money for such redemption can be paid in the city of Rome. Such notice shall be published at least once a week for three months prior to the day named therein for redemption in the official papers. The expense of

publishing such notice shall be added to and become a part of the amount required to be paid for the redemption of such real estate. Publication thereof shall not be commenced within eight months after the date of the certificate; the publication of said notice for three months as above provided shall be sufficient and binding upon all persons interested in said property.

Sec. 193. If such real estate or any part thereof, be not redeemed as herein provided, the said city treasurer shall execute to the said purchaser, his heirs or assigns, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee free from all liens and encumbrances, except taxes or assessments, assessed upon said real estate since the assessment upon which the same was sold. Every such conveyance shall be executed by said city treasurer under his hand and the seal of the said city and shall be acknowledged, and such conveyance shall be conclusive evidence that the sale was regular and also presumptive evidence that all the previous proceedings were regular according to law and the provisions of this act. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed.

Sec. 194. Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any property or the levying of any taxes thereon, or of any proceedings for the collection of such assessment, the common council of said city shall reimburse the purchase money so paid with interest at five per centum per annum from the time of its payment; the amount thereof to be presented and audited as other city charges and paid by the city treasurer out of the local assessments fund into which such purchase price was paid, and the amount thereof shall be reassessed.

Sec. 195. Whenever any surplus shall arise upon the sale of

lands for assessments under the provisions of this title, the same shall remain in the custody of the city treasurer, who shall keep a record thereof. The owner of equity of redemption, or any other person interested in such surplus, may apply to any court of competent jurisdiction for an order distributing the same in the way and manner as in proceedings for the distribution of surplus money in foreclosure actions. Any person making such application or in any way sharing in the distribution of such money shall be deemed to have waived all his rights for the recovery of the value or possession of such lands or any part thereof.

Sec. 196. Every tax or assessment imposed for locally provement, or other object, in pursuance of this title, shall be and remain a lien upon the land upon which it is assessed from the filing of such assessment roll in the office of the city clerk until the same has been paid. No error or mistake in the name of any owner or occupant of any lot or parcel of land assessed for a local improvement, or the fact that the person named as owner or occupant is not the owner or occupant of such lot or parcel, or that a clerical or immaterial error has been made, shall invalidate said assessment roll or the assessments therein, or any bonds issued in pursuance thereof. In case of *any tax or assessment shall be void or shall have failed for want of jurisdiction, or for any irregularity in the levy or assessment thereof under this title, the common council shall have power and it shall be its duty to cause the same to be reassessed in a proper manner; if any person shall have paid on a former assessment the same shall be credited, or in case the payment exceeds the amount reassessed the surplus shall be refunded. In case the amount assessed in any local improvement shall not be sufficient to defray the expenses of such improvement, the common council shall cause the amount of the deficiency to be assessed as hereinbefore provided.

Sec. 197. (As amended by Chapter 651, Laws of 1906). The board of public works, as soon as practicable after the first

*So in original.

Tuesday in March in each year, may in its discretion advertise in the official papers for proposals to clean the streets of the city and also street crossings, intersections, junctions, crosswalks and sidewalks in front of lands of the city of Rome, and walks in the public parks, and for keeping the parks in order and removing snow and ice from said walks, also for proposals to remove ashes, garbage, sweepings or rubbish deposited in piles, boxes or barrels, as required by ordinance, by the owners or occupants of any premises in said corporation tax district. Detailed specifications of the said work shall be prepared by the city engineer with estimate of the expense thereof. The board of public works shall determine the manner of doing such work and whether same shall be done by one contract for the whole work or different contracts and specifications for different parts of such work. If the work, as in this section provided, is not done by contract, then such work shall be done by and be under the direction, supervision and control of the board of public works. The notice, proposals, certified check and bonds therefor, shall be in accordance with the provisions of section one hundred and seventy-nine of this act, so far as the same may be applicable. The board of public works may direct any temporary repairs to, or defects remedied in the streets, pavements, cross and sidewalks, bridges, parks and parkwalks so that the same shall be passable and safe. Such repairs may be made by contract or otherwise under the direction of the city engineer as superintendent of streets as the board of public works shall determine, and the expense thereof, and of the work specified in this section shall be paid out of the street repair fund.

Sec. 198. (As amended by Chapter 468, Laws of 1905). The city of Rome shall not be liable for the damage or injury sustained by any person in consequence of any highway, street, sidewalk, or crosswalk in said city being out of repair, defective, unsafe, or dangerous or obstructed by snow, ice or otherwise, unless actual notice of the defective, unsafe, dangerous or obstructed condition of said highway, street, sidewalk, or crosswalk shall have been given to the mayor or the board of public works, at least forty-eight hours previous to such dam-

age or injury. All claims against the city for damages or injuries to the person claimed to have been caused or sustained by defects, want of repair or obstructions from snow and ice, or other causes in the highways, streets, sidewalks or crosswalks of the city or because of negligence of the city as to the highways, streets, sidewalks or crosswalks of the city shall be presented to the common council in writing, within one month after said injury is received. Said writing shall describe the time, place, cause and extent of the injury, so far as then practicable, verified by the oath of the claimant. The omission to present said claim as aforesaid within one month shall be a bar to any claim or action therefor against the city. No action for such damages or injuries shall be maintained unless commenced within one year after the happening of same.

TITLE XIII.

THE BOARD OF EDUCATION.

NOTE: By subdivision 5 of Section 881 of Chapter 786 of the Laws of 1917, amending the Education Law, Sections 199 to 208 inclusive of this title were expressly repealed. Certain exceptions to such repeal will be noted, particularly those contained in Section 877 of said act, and for such reason Sections 199 to 208 inclusive of the charter, as existing prior to such enactment, are printed in full.

Sec. 199. The public schools within the corporation tax district of the city, as now or hereafter constituted and bounded including all the territory and residents within such tax district, shall constitute one union free school district and be known as the union free schools of the city of Rome, and be under the charge and control of six commissioners of schools, who shall constitute the board of education thereof.

Sec. 200. The schools, territory and residents, outside said corporation tax district shall continue to be or become independent school districts to be managed and controlled according to the consolidated school law and amendments, supple-

mental or substituted acts thereto and thereof, in all respects as in towns, and shall be subject to the jurisdiction of and have the same relation to the commissioner of schools of the third district of Oneida county and the superintendent of public instruction as the said law may provide or require, and the residents of said district arrange. That portion of the said city lying outside of said tax district and which now is a part of said union free school district shall henceforth become a part of such independent district.

Sec. 201. The title of all school property, real and personal, in such tax district, shall be vested in the city.

Sec. 202. All provisions of title eight of the consolidated school law and all those of the university law of the state now in force, and as hereafter amended and the substitutes thereof, and the powers, duties and liabilities therein, relating to union free school districts and trustees, shall apply to said city schools and board of education, so far as applicable or requisite to carry out the purposes hereof, except as herein otherwise provided or as inconsistent herewith. Title five of this act not inconsistent with, shall be applicable to this title.

Sec. 203. The present board of education shall continue, and the members thereof, hold for the respective terms as now classified and existing to which they were elected, and until their successors are elected and duly qualified, except as hereinafter mentioned.

Sec. 204. On the second Tuesday of October in each year, or if that day shall pass without an election, on such subsequent day and at such place as the board of education shall appoint an election of members of the board of education whose terms will in that year expire, shall be held under the direction of the members of said board designated by the board and by the votes of electors of said district in said city having the qualifications of voters for trustees of school districts. Two

*So in original.

poll clerks shall be appointed by said board to register at such election the names and residents* of the voters voting thereat. The polls shall be kept open during the hours which the board shall prescribe and the election to be conducted in the same manner as elections for trustees, and a certificate of the result thereof shall be made and signed by the members of the board presiding thereat, and filed in the office of the city clerk. At every such election two members of the board of education shall be chosen for the term of three years from the second Tuesday of October, on which the terms of their predecessors expire. Any vacancy existing in the board at the time of any such election shall be filled thereat by an election for the unexpired term. Any person qualified to vote at such election shall be qualified to become a member of such board. In case of the death or resignation of any member of said board the vacancy may be filled by the board until the next regular school election and until his successor shall qualify. No person shall vote at any such election of members of the board of education, unless a resident within said corporation tax district.

Sec. 205. The board of education shall have power to choose a superintendent of schools, whose term of office shall be one year, but who shall be subject to removal by said board at any time for cause. Such superintendent shall be paid such compensation and perform such duties as the board may prescribe.

Sec. 206. (As amended by Chapter 468, Laws of 1905). Detailed estimates of the amounts so required to be raised shall be furnished to the common council and filed with the city clerk as in section one hundred and forty-eight of this act provided. In case the common council shall ratify the estimates of expenditures so submitted, the amount of such estimates shall constitute the sum to be raised for the school board by taxation for the current fiscal year; the common council may modify any item of the estimates for expenditures so submitted, and in such case it shall be the duty of the city clerk to forthwith certify to the president of the board of education such modifications; the board of education shall have power

by the vote of two-thirds of all the members thereof at any regular or special meeting called for that purpose, to declare by resolution that the estimated amounts first submitted to the common council, or a less sum, are necessary for the conduct of the schools for the current year; and it shall be the duty of the city clerk to forthwith certify such resolution to the president of the common council, in which case it shall be the duty of the common council to raise the amounts so determined for the purposes of the public schools. In case the board of education shall fail to adopt such original estimates, or a less sum, as above provided, the amounts so modified by the common council shall constitute the amount to be raised for school purposes for the current year. Thereupon the same shall be levied and collected by the common council in the same manner as city taxes as provided in this act. But if such estimates in any year shall include five thousand dollars or more for the purchase, erection, enlargement, alteration or repair of any grounds or buildings or either, or if at any time during the year such board of education may deem it necessary to expend in addition to the amount of such estimates any moneys for any purpose or purposes, the board of education may propose to the common council that such amounts, or any part thereof, as it may propose be borrowed upon the bonds of said union free school district of the city, and the questions of the raising of said amount so proposed to be raised shall be submitted at a special election to be called therefor by the board of education to the taxpayers of the city; the said election to be called and conducted by said board of education in the manner, and to follow, as far as applicable, the provisions of section one hundred and seventy-five of this act relative to special elections for extraordinary expenditures, excepting that in case bonds shall be issued by board of education they shall be the bonds of such union free school district, of the city of Rome, and be signed by the president of the board of education and sealed with the seal of said board for the principal amount so proposed to be borrowed by bonds. Except as above provided the board of education shall not have power to expend any money in addition to the amount finally determined, as

aforsaid, by such estimates unless authorized so to do by special election in the manner herein provided. Nothing in this act shall be deemed to restrict the power of the board of education to expend for lawful purposes of said schools the moneys received by said board, of the city, from the state. All moneys raised by taxes and received from all other sources for school purposes shall be paid to the city treasurer and placed in a separate fund to be known as a school fund and used only for such purposes.

Sec. 207. Said board of education shall yearly and whenever required so to do by the common council, make and deliver to the common council a detailed statement showing and accounting for all moneys that have been received and expended by or through said board since the date of their last preceding report thereof to the common council.

Sec. 208. A school tax of the city of Rome for school purposes within the corporation tax district may be assessed by the common council and its warrant issued for the collection of same. The city clerk shall make out the assessment roll and apportion the tax and make a copy thereof for the city treasurer, and all the provisions in relation to the assessment and collection of city taxes, and the return of the same, shall so far as applicable, apply to the school tax.

TITLE XIV.

THE CITY COURT.

Section 209. A city court of civil and criminal jurisdiction, to be denominated the "city court of Rome" is hereby created and established with the jurisdiction and powers hereinafter conferred. The city judge shall be the judge of the city court. The special city judge, in case of the absence or disability of the city judge, shall be and perform the duties of city judge during such absence or disability.

Sec. 210. (As amended by Chapter 468, Laws of 1905).

The court shall be open for the transaction of business each day of the year except Sundays and legal holidays, at not later than nine o'clock in the forenoon and shall remain in session during seasonable hours or until the business of the day is disposed of; on Sundays and legal holidays the court may be open for such purposes as are provided by law.

Sec. 211. The common council of the city shall designate the place of holding said court and provide suitable rooms, light, fuel, furniture and necessary blanks, books and stationery for the use of said court and shall provide for the payment of all necessary expenses thereof.

Sec. 212. (As amended by Chapter 573, Laws of 1915, and Chapter 542, Laws of 1918). No person shall be eligible to the office of city judge or special city judge, unless he be a regularly admitted attorney of the supreme court of the state of New York. The city judge shall receive a salary of two thousand dollars per year and shall appoint a clerk who shall be a stenographer at a salary not exceeding one thousand dollars per year. The salary of such clerk in office when this section as hereby amended takes effect shall be at such rate for services hereafter rendered. The special city judge shall act in the absence of the city judge and perform all the duties of the city judge, and shall receive a salary of two hundred dollars per year.

Sec. 213. (As amended by Chapter 468, Laws of 1905). The clerk appointed by the city judge shall be clerk of the city court, and shall take the oath of office prescribed by law. It shall be his duty to attend upon such court during the time it is required to be kept open for business, to keep the dockets and the books of account thereof, to make up the returns to the county court therefrom, and under the direction of the city judge, to perform such other duties as are herein prescribed. He shall have power to take affidavits for use in said court and any other court, to issue summons, precepts in summary proceedings, subpoenas and executions on judgments duly docket-

ed and final orders in summary proceedings duly entered, and in the absence of the city judge and acting city judge join issues and adjourn cases.

Sec. 214. Except as limited by the next section the city court shall have the jurisdiction of the following civil actions and proceedings, to wit:

1. An action to recover damages upon or for breach of contract, express or implied, other than a promise to marry, where the sum claimed does not exceed five hundred dollars.

2. An action to recover damages for a personal injury or an injury to property where the sum claimed does not exceed five hundred dollars.

3. An action or proceeding to recover a fine or penalty not exceeding five hundred dollars, or to recover one or more fines or penalties for a violation of an ordinance of the city of Rome, or of the provisions of the other titles of this act where the amount claimed does not exceed five hundred dollars.

4. An action upon a bond conditioned for the payment of money, where the sum claimed to be due does not exceed five hundred dollars; the judgment to be rendered for the sum actually due. When the sum secured by the bond is to be paid in installments, an action may be brought for each installment as it becomes due.

5. An action upon a surety bond taken in said court or by any justice of the peace of the county of Oneida.

6. An action upon a judgment rendered in said court, or any court of the state of local jurisdiction not being a court of record.

7. An action to recover one or more chattels, with or without damages, for the taking, withholding or detention there-

of, where the value of the chattel or of all the chattels as stated in the affidavit made on the part of the plaintiff, does not exceed the sum of five hundred dollars.

8. To render and enter judgment upon the confession of a defendant or defendants as prescribed in title six, chapter nineteen of the code of civil procedure, where the amount confessed does not exceed the sum of one thousand dollars.

9. An action for damages for fraud in the sale, purchase or exchange of personal property, if the damages claimed do not exceed five hundred dollars.

10. In an action commenced by attachment pursuant to the provisions of article four of title two of chapter nineteen of the code of civil procedure, if the debt or damages claimed do not exceed five hundred dollars.

11. In summary proceedings under title two, chapter seventeen of the code of civil procedure to recover possession of land and to remove tenants and others therefrom.

12. In actions and proceedings under any statute for the enforcement of the liens of mechanics and others, where the amount of the lien does not exceed the sum of five hundred dollars. The same proceedings to be had as are provided by law to be had in justice's court.

13. In proceedings in cases of bastardy brought by or under the direction of the board of charity of the city of Rome or by the superintendent of the poor of the county of Oneida.

14. In any other action or proceedings of which justice's court of justices of the peace of towns now or may hereafter have jurisdiction.

Sec. 215. The city court shall not take cognizance of a civil action in either of the following cases:

1. Where the title to real property comes in question, as prescribed in title three of chapter nineteen of the code of civil procedure; but when such question arises the pleadings and practice shall be the same as are now provided by law for a court of justice of the peace in towns in regard thereto.

2. Where the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.

3. Where, in a matter of account, the sum total of all the accounts of both parties proved to the satisfaction of the court, exceeds one thousand dollars.

4. Where the action is brought against an executor or administrator as such, except the amount of the claim is less than fifty dollars and the claim has been duly presented to the executor or administrator and rejected by him.

Sec. 216. Summary proceedings and bastardy proceedings may be commenced by a petition addressed either to said judge or to said court, and in said proceedings and in all actions the jurisdiction of said judge shall be exercised by and in the name of the said court only, and all processes from said court shall be made returnable thereto by its proper title. In the solemnization of marriages and in all other matters not otherwise by this act provided for, said city judge shall have the same powers as justices of the peace in towns have and in instances in which the justice of the peace of a town is authorized to do any act or exercise any jurisdiction in association with another justice or justices of the peace, the said city judge may do such act or exercise such jurisdiction without associating with him any justice or justices.

Sec. 217. Said court shall have the same territorial jurisdiction over the persons of defendants as is now or may hereafter be conferred upon justices' courts of towns, and for that purpose of conferring territorial as well as jurisdiction of the person and subject matter the said city of Rome shall be

deemed a town and the said city court a justice's court thereof.

Sec. 218. A summons shall be made returnable before said court by its proper title, and shall be substantially in the following form, the blanks being properly filled up:

In city court of Rome.

State of New York,)
 County of Oneida,) ss:
 City of Rome.)

The people of the state of New York to any constable of said city or county, greeting:

You are hereby commanded to summon..... defendant, to appear in or before the city court of Rome, at its court room in said city of Rome, on the....day of..... at 10 o'clock in the forenoon, to answer the complaint ofplaintiff in a civil action.

Witness.....city judge of Rome, this..... day of.....

..... Clerk.

Said process may be issued by the city judge or the clerk of the court. In actions for tort no summons shall be issued or served except there be attached thereto a written complaint, which must be served with the summons, otherwise judgment thereon can not be taken in the absence of defendant. The said complaint shall state in a plain and concise manner the facts constituting the cause of action.

Sec. 219. The process and all mandates of the city court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said court, and before the city judge shall be the same as in courts of justices of the peace in towns and as before justices of the peace in towns and in courts of special sessions, except as otherwise provided in

this act; and all provisions of law applicable to justices of the peace in towns and the courts held by them, and the proceedings had before them, and to their official acts, duties and powers, shall apply to the city court, and the judge thereof, and appeals may be taken from judgments of the city court and all proceedings before the city judge may be reviewed and transcripts of judgments filed in the office of the clerk of the county of Oneida, and an enforcement of such judgment shall be had in the same manner and with like force and effect as in courts of justices of the peace in towns; but a judgment of the city court shall be a lien and remain in force for the same length of time as a judgment originally recovered in the county court upon filing a transcript thereof in the clerk's office of Oneida county. In any case in which by law a justice of the peace is required to render judgment and enter the same in his docket within four days, the city court of the city of Rome, or the judge thereof, is required to render judgment, and it must be entered in the docket of said court within ten days after the case shall have been submitted for final decision, anything to the contrary herein notwithstanding.

Sec. 220. The prohibition contained in section twenty-nine hundred and forty-seven of the code of civil procedure in relation to failure of the defendant in an action in justice's court to interpose a counterclaim does not extend to an action in said city court to a case where the amount of the counterclaim is five hundred dollars more than the plaintiff recovers.

Sec. 221. In the case provided for in section twenty-nine hundred and forty-nine of the code of civil procedure or justices' courts, if the amount of the counterclaim or counterclaims established exceeds the plaintiff's demand, the defendant must have judgment for the excess or so much thereof as is due from the plaintiff, unless it is more than the sum of five hundred dollars, and if more than five hundred dollars, the said court must pursue the same course in reference to the same as in the said section provided for a case in which it is more than two hundred dollars.

Sec. 222. Sections five hundred and five and five hundred and six of the code of civil procedure shall apply to a counterclaim in an action against a person sued in a representative capacity or in favor of an executor or administrator, except that the defendant can not take judgment against the plaintiff upon a counterclaim for a sum exceeding five hundred dollars and costs; and section twenty-nine hundred and forty-six of the code of civil procedure shall not apply to actions in said court.

Sec. 223. Where upon the trial of an action the sum total of the accounts of both parties, proved to the satisfaction of the city judge, exceeds one thousand dollars, judgment of discontinuance must be rendered against the plaintiff with costs, and section twenty-nine hundred and fifty of the code of civil procedure shall not be applicable to the said city court.

Sec. 224. An attorney's authority to appear in any action or proceeding in said court may be conferred orally or in writing, but the city judge shall not suffer a person who is not an attorney, admitted to practice in the supreme court of this state, to appear as an attorney unless his authority is admitted by the adverse party, or proved by the affidavit or oral testimony of himself or another; the city judge may, in his discretion, at any time before final judgment require from any such attorney admitted to practice in the supreme court, proof of his authority to so appear.

Sec. 225. The court must, upon the application of the plaintiff, grant a second or subsequent adjournment of the trial of an action upon proof by his own oath or otherwise to the satisfaction of the court that he can not safely proceed for want of material testimony or witness, and that he has used due diligence to obtain the testimony or witness; but the court may as a condition of granting such adjournment require that the plaintiff pay to the defendant the legal fees of the defendant's witnesses duly subpoenaed for that day.

Sec. 226. The complaint may be verified in the manner provided in the code of civil procedure for the verification of pleadings in courts of record, and, in an action commenced

by summons may, at the option of the plaintiff or his attorney be served therewith when the complaint is so verified, the subsequent proceedings, except on demurrer shall be likewise verified in all cases in which such pleadings would be required to be verified in a court of record, in default whereof they shall be disregarded. The city judge may by general rule or otherwise require any pleadings made orally to be reduced to writing, and every pleading in writing shall be subscribed by the party making the same or his attorney, and shall be filed forthwith or within such time as the city judge may designate. Where the complaint is so verified and served at the same time as the summons, if the defendant fails to answer or demur to said complaint, as hereinbefore provided, at the time of the return of said summons, he shall be deemed to have admitted the allegations of the complaint as true, and the court shall upon filing the summons and complaint, with due proof of such service therewith, enter judgment for said plaintiff and against the defendant or defendants not so demurring or answering, for the amount demanded in such complaint, with costs, without further proof.

Sec. 227. The city judge may from time to time establish such rules of practice for said city court as he may deem necessary, not inconsistent with the provisions of this act or with the code of civil procedure, which rules shall govern the practice in said court. The rules so established shall before they become operative be published at least one week in the official papers of the city.

Sec. 228. Appeals may be taken to the county court from judgments rendered in said city court the same as from judgments rendered by justices of the peace. Appeals may also be taken to the county court from an order of the city judge on an application to open a default made as in section two hundred and twenty-nine of this act provided, and the time within which such appeals may be taken, and the practice thereon shall be the same as apply to appeals from a judgment of a justice of the peace, the affidavits read on such application constituting for the purpose of such appeal a part of the return of the city judge.

Sec. 229. In actions in said court the city judge shall have power to open defaults and set aside judgments rendered and entered therein and executions issued thereon, upon such terms as may be just, in a case where the defendant shall fail to appear on the return day of the process, or on any adjournment, and satisfactorily excuses his default; but no greater terms shall be imposed than the payment of the costs included in the judgment. The application therefor shall be founded upon affidavits and shall be made within twenty days from the entry of such judgment. Upon presentation of such application the city judge shall issue an order returnable in not less than five or more than eight days, requiring the party in whose favor the judgment was rendered to show cause, if any, why such judgment should not be set aside. A copy of said order and of all the papers upon which the same is granted shall be served upon the party in whose favor the judgment was rendered, or his attorney, if one shall have appeared in the action, not less than three days prior to the return thereof. Pending such application and the determination thereof, the city judge may stay proceedings upon such judgment or any execution which may have been issued; when a judgment shall be set aside, the action shall proceed as though no judgment had been rendered. The judgment or an execution issued thereon by the city judge and levy made therein, may in the discretion of the city judge be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. Parties moving in the county court, to open a default or obtain a new trial in said city court, in cases where a motion might have been made in said city court, as in this section provided, shall show that no such application was made in said city court.

Sec. 230. No person shall be incompetent as judge, witness or juror in any action or proceeding in said court in which the city of Rome is an interested party, by reason of his being an inhabitant, freeholder or taxpayer in said city.

Sec. 231. Sections twenty-eight hundred and ninety-three and twenty-nine hundred and fifty-nine of the code of civil procedure shall have no application to this court, but the court

may adjourn the trial of an action of its own motion for a period not exceeding ninety days from the date of the joining of issue.

Sec. 232. Depositions may be taken in actions and proceedings pending in the city court upon the same grounds and for the same reasons and with the same proceedings as in the supreme court.

Sec. 233. (As amended by Chapter 468, Laws of 1905). In all civil actions and proceedings brought in said court, the same costs and fees shall be paid and recovered as in actions or proceedings in courts of justices of the peace in towns, except that in all civil actions and proceedings commenced in said court where the successful party shall obtain a judgment he shall tax and recover in addition to the fees, which shall include jury, constables, witnesses fees paid by him or which he will necessarily incur, as hereinbefore provided, in case he has appeared by an attorney and counselor of the supreme court (and not otherwise), the following costs:

1. For all proceedings before the trial, including judgment for plaintiff upon default, to the plaintiff two dollars.
2. Judgment for plaintiff otherwise than upon default an additional sum equal to ten per centum of the recovery, not to exceed ten dollars.
3. If the plaintiff recover judgment in any action in said court for the recovery of one or more chattels the foregoing sum allowed as additional costs therein shall be estimated upon the value of said chattels as assessed by the said court or jury.
4. If judgment of nonsuit is rendered for the defendant without trial, to the defendant two dollars.
5. If a judgment is rendered for the defendant after trial, to the defendant two dollars; and the court in its discretion may allow an additional sum not exceeding ten dollars.

6. A defendant who recovers of said court a judgment upon a counterclaim therein or obtains a judgment for the possession or recovery of chattels sued for therein is entitled in addition to costs heretofore allowed said defendant to recover the sum of ten percentum upon said recovery or upon the value of said chattels not to exceed ten dollars.

7. No costs or fees shall be allowed or recovered in any action brought on a judgment of this court, unless said action be brought more than five years after the recovery of the judgment sued upon.

8. Costs upon a motion, action or other proceeding, not exceeding two dollars, may be granted either absolutely or to abide the event of an action or proceedings of any party in the discretion of the court or judge.

Sec. 234. In each action and proceeding in the city court, the city judge and the clerk of said court, shall each demand and receive for the use of the city, for each service rendered by them respectively the same fees as justices of the peace of towns are or may be entitled to receive for a like service, and no such service shall be rendered by either of them until such fees shall have been paid therefor; all such fees shall be paid to the clerk, who may require of any plaintiff all fees in the action to be deposited when the summons is issued. In the case provided for in section three thousand eighty-one of the code of civil procedure, recovery shall be had from the city of Rome, instead of from the city judge. All such fees collected by the clerk and all fines and penalties received by him during any month shall be paid to the city treasurer on or before the sixth day of the next succeeding month, and the said clerk shall file with the city clerk at or before the time of the first regular meeting of the common council in each month next after the sixth day thereof a complete and detailed statement, verified by his oath and certified by the city judge to be true, of all moneys received by said clerk by virtue of the provisions of this act, during the next preceding month, with the written receipt of the treasurer for the payment of the said moneys to him, at

tached to said statement; the said clerk shall keep a book in which he shall enter in detail, with the dates, all moneys received by him, which book during seasonable business hours shall be open to inspection. A poor person, whether an adult or infant not being of ability to sue, who alleges that he has a case of action against another person, or defense to one brought, may apply by proper petition to the city judge or clerk of the court for leave to prosecute or defend as a poor person; which petition shall state the nature of the action brought or intended to be brought, or the defense intended to be interposed, and what property he possesses, and that he desires to sue or defend as a poor person, and the city judge or clerk of the court may grant the petition if satisfied of the truth of the facts alleged and that the petitioner has a good cause of action or defense on the merits therein, and may make an order admitting him to prosecute or defend without the payment of or liability to any fees to any officer or to the said city or any costs provided for by this act; but nothing in this act relating to such poor person shall apply to appeals, except as to any fees provided for by this act to be paid to any officer mentioned in this act or to said city. If the person so admitted is guilty of deception in the petition or of improper conduct in the prosecution or defense of the action, or of wilful or unnecessary delay, the city judge may in his discretion annul the order admitting him to prosecute or defend as a poor person, and such person shall be liable to the fees and costs provided for in this act.

Sec. 235. In case of the absence or disability of the city judge and special city judge to perform their duties or in case of the disqualification of both for any reason rendering them so by any of the provisions of this act, in any action or proceeding, upon a certificate of that fact being made by the city judge and special city judge, or in case of their inability to seasonably make one, by the clerk of the court upon information and belief, the city attorney then acting as such shall perform their duties and act as city judge during such absence, disability or disqualification. The special city judge, and the said city attorney, while acting as city judge, shall sign all papers

as acting city judge of the city court of Rome, and shall have all the powers and perform the duties incumbent upon the city judge. All the provisions of sections forty-six, forty-seven, forty-eight, forty-nine, fifty and fifty-one of the code of civil procedure not inconsistent with, shall apply to this act so far as applicable.

Sec. 236. (As amended by Chapter 651, Laws of 1906). The city judge shall have, except as herein provided, the same powers as justices of the peace now have, or which may hereafter be conferred upon them by law, in all criminal actions and proceedings and special proceedings of a criminal nature for or on account of offenses committed or alleged to have been committed within the boundaries of the city; and the said court within said city shall possess and exercise all the powers and jurisdiction conferred upon courts of special sessions and perform all the duties of such courts, except as herein provided; while holding courts of special sessions, the said judge shall have sole and exclusive jurisdiction, except as herein provided, to hear, try and determine all charges of misdemeanor as now are or may hereafter be defined by law, alleged to have been committed within the boundaries of the city; except such violations of the liquor tax law as are dominated* misdemeanors and are required by said law to be prosecuted by indictment. The city judge shall have sole and exclusive jurisdiction over all civil suits and criminal actions and proceedings brought on account of violation of this act and of the regulations, ordinances or by-laws of the city or of any public board thereof; and shall have power to render judgment for the fine or penalty therein prescribed, and in case any such regulation, ordinance or by-law prescribes a maximum or minimum fine or penalty shall have power to render judgment or impose a fine within the limits prescribed. If any person be adjudged to have violated any ordinance, by-law or regulation of the city or any of its public boards, the city judge may impose a fine which shall not exceed in each case the amount of penalty provided in such ordinance, by-law or regulation for the violation

*So in original.

thereof, besides costs, and may be committed to the county jail until such fine and costs be paid, for a term not to exceed one day for every one dollar of such fine and costs, and not exceeding a longer period than fifty days.

Sec. 237. Criminal trials or proceedings shall be conducted in like manner, except as herein provided, as trials or proceedings in courts of special sessions are now directed or may hereafter be directed to be conducted by the code of criminal procedure.

Sec. 238. The trial of such criminal actions may be removed from the jurisdiction of the city court only in the manner now or hereafter provided by the code of criminal procedure for the removal of trials of actions from courts of special sessions.

Sec. 239. In case of misdemeanor trials before him, except cases of charges of public intoxication, the city judge shall state to the defendant the charges made against him and inform him of his rights under sections fifty-seven and fifty-eight of the code of criminal procedure.

Sec. 240. (As amended by Chapter 651, Laws of 1906). Upon a charge of public intoxication, disorderly conduct, vagrancy or violation of any of the ordinances, by-laws or regulations of the city or any of its public boards, the defendant shall not have the right to a trial by jury, but shall be tried before the city judge in a summary way.

Sec. 241. An appeal from the city court in a criminal action or proceeding may be taken and had only in the same manner and upon the same terms and conditions as is now provided or as may hereafter be provided by the code of criminal procedure for appeals from courts of special sessions.

Sec. 242. When a defendant tried by or before the city court or city judge for any offense, jurisdiction over which is not conferred upon courts of special sessions by the code of criminal procedure, but which is conferred upon the city court by

this act, shall be convicted of such offense or pleads guilty, the city judge shall have the power to render such judgment and to inflict upon said defendant such punishment as a court of record may render and inflict upon a like case as provided by law.

Sec. 243. When a defendant tried by or before the city judge or court for any offense, jurisdiction over which is now or may hereafter be conferred upon courts of special sessions by law or on the charge of public intoxication, disorderly conduct or breach of the peace, shall be convicted of such offense or pleads guilty before the city judge to the charge of any such offense, the city judge shall have the power to render judgment that such defendant pay a fine not exceeding fifty dollars; or to render judgment that said defendant be imprisoned in the common jail of Oneida county or in the penitentiary of any county, the board of supervisors of which have made an agreement with the board of supervisors of Oneida county to receive persons sentenced to confinement therein, as provided by law, for a period not exceeding six months; or he may render judgment that the defendant pay both such fine and be so imprisoned; or he may render judgment that such defendant pay a fine not exceeding fifty dollars and that the defendant be imprisoned in such jail or penitentiary until such fine is paid, not to exceed six months.

Sec. 244. The city judge may in his discretion sentence a defendant committed by him to prison or jail at hard labor therein.

Sec. 245. The judgment of the city court or city judge so rendered must be executed by any policeman of the city or by the sheriff of Oneida county, or keeper of such jail or penitentiary, upon receiving from the city judge either the certificate of conviction prescribed by section seven hundred and twenty-one of the code of criminal procedure without the same being certified, or a warrant of commitment setting forth the offense, the name of the offender, the date when the offense was found to have been committed, the conviction and date thereof, and

the judgment of the court thereon, signed by the city judge in his official capacity and directed generally to the officers required to execute the same.

Sec. 246. The clerk of the court shall at the end of each month file in the office of the clerk of the county of Oneida certificates of conviction as in the form prescribed by section seven hundred and twenty-one of the code of criminal procedure, of all persons convicted of crime before the city judge.

Sec. 247. After inquiring into the circumstances of the case, the city judge may in his discretion, order any person who is imprisoned in said jail or penitentiary under any commitment by him for any cause whatever to be discharged from such imprisonment; and it shall be the duty of any sheriff or keeper of said jail or penitentiary forthwith upon receiving such order to discharge such person from imprisonment; the city judge may also in his judgment remit the whole or any part of a fine or penalty imposed by the said court.

Sec. 248. A criminal warrant issued by the city judge may be directed generally to any peace officer of the city or state, and it may be executed by any peace officer to whom it may be delivered; such warrant may be served in any part of the state and the defendant or defendants named may be arrested and brought before such judge issuing the warrant without its being endorsed by any other magistrate or officer; the city judge shall also have power and jurisdiction to hear complaints or charges of felonies alleged to have been committed within the county of Oneida, to issue warrants in such cases returnable before him as such magistrate and to hold preliminary examination upon such charges and the provisions of chapter seven of title three of part four of the code of criminal procedure as they now exist or as they may hereafter be amended, shall govern such preliminary examination before the city judge.

Sec. 249. When the defendant is charged before said city judge with being a vagrant or disorderly person as now de-

fined or may hereafter be defined by the code of criminal procedure, the provisions of such code as to such cases as they now exist, or as they may hereafter be amended, shall govern the proceedings before the city judge; except that upon conviction upon either charge the city judge shall have power to commit the defendant either to the common jail of Oneida county, the Oneida county home or poor house, or to any county penitentiary hereinbefore mentioned.

Sec. 250. Two rooms shall be provided by the common council in the city hall for the city judge; one of these rooms shall be the court room where he shall hold his court and conduct all examinations subsequent to the arrest of defendants from and over the age of sixteen years; and the other shall be his private counsel room where he shall hold court and conduct examinations in cases tried by him where children under the age of sixteen years shall be accused; and in either of said rooms so provided, he may hear all complaints that may come to him, hold court and conduct all criminal and civil business that may, under the provisions of this act, be done by and before him.

Sec. 251. The complaint in an action brought to recover a fine or penalty or forfeiture prescribed herein for the violation of any provisions of this act, and to recover a fine or penalty prescribed for the violation of any ordinance, by-law or regulation of the city or of any public board thereof, shall be in writing; the action shall be brought in the name of the city as plaintiff; the complaint shall contain the title of the action, specifying the name of the court, the allegation or allegations showing that the defendant or defendants, as the case may be, at or about the time mentioned therein, and within a period of two years from the making of such complaint, violated some provision of this act or of the by-laws, regulations or ordinances of the city, or a public board thereof, specifying the section of this act or the by-law, regulation or ordinance by briefly referring to the same and giving the name and number thereof, or otherwise intelligently describing it or them; such complaint shall state the time, as near as may be, when such violation oc-

curred; it shall contain a demand for judgment in favor of the plaintiff and against the defendant or defendants, as the case may be, for the amount of the fine or penalty prescribed for the violation of the section of this act or of the regulation, by-law or ordinance alleged to have been violated; and the complaint shall be verified by the person making the same to the effect that it is true to his own knowledge, or that the same is true to the best of his knowledge, information and belief. The city attorney shall conduct all cases brought for violation of this act referred to in this section.

Sec. 252. Upon filing such complaint with the clerk of the court the city judge or clerk shall then issue a warrant or a summons; if a warrant is issued it shall be substantially in the following form, the blanks being properly filled as in said form indicated:

In the city court of the city of Rome:

State of New York
County of Oneida
City of Rome

} ss:

The people of the state of New York to any policeman of said city, greeting:

Information under oath having this day been laid before me that (designate here the section of this act or the number of the by-law, regulation or ordinance of the city alleged to have been violated or otherwise intelligently describe it) has been violated and accusing (give name of person or persons accused thereof). You are therefor* commanded forthwith to arrest (giving the name of the accused person or persons) and bring (her, him or them) before me at the city courtroom in said city to answer the charges aforesaid.

Witnesscity judge of Rome,
thisday of

.....
Clerk.

*So in original.

Sec. 253. If upon receiving the complaint a summons is issued it shall be substantially in the following form, the blanks being properly filled as in said form indicated:

In the city court of Rome:

State of New York)
 County of Oneida) ss:
 City of Rome)

The people of the state of New York to any policeman of said city, greeting:

You are hereby commanded to summon.....
 to appear in and before the city court of Rome, at its courtroom
 in said city of Rome, on the.....day of.....at....
 o'clock.....meridian, to answer a charge for violation of
 (designate the section of the act or number of the by-law,
 regulation or ordinance alleged to have been violated or other-
 wise intelligently describe it or them).

Witness.....city judge of Rome,
 this.....day of.....

.....
 Clerk.

Sec. 254. Said summons may be made returnable at any time not more than ten days from the issuing of the same, and the summons may be served by any policeman of the city in the manner now prescribed or hereafter to be prescribed by the code of civil procedure for the service of a summons in justice's court by constables.

Sec. 255. No bond shall be required to authorize the issuing of any civil warrant or short summons in behalf of said city.

Sec. 256. Any person may be summoned to appear forthwith or at a designated time before the court to make an affi-

davit or to be sworn and examined on an application for a summons or a warrant on account of the violation of any section of this act, by-law, ordinance or regulation in relation to his knowledge of such violation; such examination shall be reduced to writing and filed with the process and proceedings in the case; no witness so summoned to appear shall be entitled to any fee or compensation for such attendance or examination, and for a failure to so attend or be sworn or examined, such witness shall be liable to the same penalty and may be punished by the said court or city judge in the same manner as witnesses who refuse to appear when subpoenaed or to be sworn or to testify at trials of actions in the supreme court.

Sec. 257. The mayor or any alderman or policeman of the city shall have the power and authority, and it shall be the duty of any such policeman to arrest without warrant all persons found by him engaged in the act of violating any of the provisions of this act or any by-law, regulation or ordinance of the city or of any public board thereof, and to bring them before the city judge, and in case the city judge can not be found, to commit them to the common lockup of the city of Rome, and retain them there or elsewhere in the manner herein provided, until the complaint hereinbefore provided for can be made out and filed and the return of the warrant issued thereon be made.

Sec. 258. Upon the appearance of the defendant before the city judge either upon arrest, under warrant or upon the return of the summons, the city judge shall read the complaint filed against the defendant and the defendant may thereupon either orally or in writing answer the complaint; the answer of the defendant may contain a general denial of each allegation in the complaint or a specific denial of one or more of the material allegations thereof; it may also set forth in plain and direct manner new matter consisting of one or more defenses; and the issue or issues raised by the complaint and answer shall be tried in all respects, and the same proceedings shall be had and adjournments may be granted, and on the same terms as provided for adjournments herein on the return of a civil warrant in other cases.

Sec. 259. Should the defendant fail to appear upon the return of such summons or fail to answer the complaint, the city judge, without waiting as prescribed in an action in justices' court, upon filing proof of due service of the summons which shall be made by the certificate of the officer serving the same, showing the time and manner of such service, shall render a judgment in favor of the city and against the defendant for the amount of the fine or penalty prescribed.

Sec. 260. The city judge may adjourn the trial of such action from time to time upon his own motion or for cause shown upon application made by any party thereto, and he shall have power upon such an adjournment to compel the defendant to enter upon an undertaking of bail in writing to the city of Rome, with one or more sureties approved by him, in a sum not exceeding twice the amount of the fine or penalty for which judgment is demanded, which undertaking if required shall be substantially in the following form, the blanks being properly filled up as indicated:

(Name of the accused) has been duly charged before the undersigned, city judge of the city of Rome, New York, with the offense of violating (designate here the section of this act or the number of the by-law, regulation or ordinance of the city, or otherwise intelligently describe it,) we, the undersigned, jointly and severally undertake that said defendant shall appear from time to time until judgment at the city court in the city court room in said city, or that we will pay to the city of Rome the sum of (designate the sum so fixed). If the defendant shall fail to so appear, judgment for the amount prescribed may be rendered against us without further notice.

Dated at the city of Rome, New York, this.....day of

.....

.....
Signature of defendant.

.....

 Signature of sureties.

And if the defendant fail to furnish the undertaking of bail so required of him, the city judge may commit the defendant to the common jail of Oneida county by a commitment in writing, signed by him in his official capacity, and substantially in the form prescribed by section seven hundred and thirty-four of the code of criminal procedure, substituting in place of the words "a court of special sessions" the words "me at the city court of Rome."

Sec. 261. The city judge shall also have power upon the granting of any such adjournment, to accept the defendant's own recognizance without surety, to appear upon any adjourned day. Upon receiving such undertaking or recognizance, the city judge shall thereupon discharge the defendant pending the adjournment.

Sec. 262. If the defendant fail to appear at the time to which the trial was adjourned, the city judge may without waiting as prescribed in an action in justices' court, declare the undertaking of bail or the defendant's recognizance forfeited, and unless sufficient excuse is shown for such failure, the city judge shall thereupon enter judgment in favor of the city and against the defendant, and the sureties executing such undertaking for the amount named in the undertaking, if and undertaking was furnished, and for the amount of the penalty if no undertaking was furnished.

Sec. 263. Every execution in an action for any penalty, penalties or forfeitures recovered for the violation of any ordinance, by-law or public regulation enacted in pursuance of this act, or upon violation of any of the provisions of this act, shall command the officer to whom it is directed in case the defendant shall decline or fail to pay the amount of such judgment, to take the body of such defendant and commit him or her to

the county jail of Oneida county; there to remain until he pays the judgment and costs or for the term in said execution mentioned, not exceeding, however, for a longer period than fifty days, and the sheriff of Oneida county is hereby authorized to receive and detain the defendant in the execution accordingly upon receiving the execution or a certified copy thereof from any officer to whom an execution is issued; and the defendant so committed under an execution shall not be entitled to be admitted to the liberties of the jail.

Sec. 264. The execution, however, issued by the city judge upon a judgment against the surety or sureties upon an undertaking of bail, as hereinbefore provided, shall require the officer executing the same to satisfy the execution out of the personal property of such surety or sureties and shall omit the direction as to imprisonment; separate executions may be issued upon such judgment for the purpose of enforcing the same as herein provided.

Sec. 265. Excepting as herein provided executions issued upon a judgment recovered for a penalty or forfeiture shall be governed by the same proceeding as herein provided for execution upon a civil judgment.

Sec. 266. The city judge, special city judge, and clerk upon filing in the clerk's office of Oneida county the duplicates of their oaths of office, shall have the same power that justices of the peace or notaries public have, to administer oaths and to take acknowledgments of deeds and other instruments, and they shall be entitled to charge for the use of the city the same fees therefore* as justices of the peace can charge, except from any person or officer acting for or in behalf of the city.

Sec. 267. It shall be the duty of the city judge upon request in writing of the mayor or chief of police of the city, to issue subpoenas requiring any person or persons named therein to appear before him to give evidence upon a complaint for any

*So in original.

offense alleged to have been committed in said city. And upon the return of such summons such witnesses shall be examined upon oath before the city judge by any city policeman or the city attorney in relation to the offense alleged to have been committed; and if it shall appear from such examination that any offense has been committed the city judge shall proceed thereon in the same manner as though such witnesses had voluntarily made such complaint before him.

Sec. 268. In criminal matters the same fees, costs and charges shall be charged and collected as are charged and collected in courts of special sessions and in the same manner.

Sec. 269. The city judge shall keep an accurate account of all criminal business done by him, which by law is made a charge upon the county of Oneida, and charge for such services the fees that are allowed by law to justices of the peace, and at the annual meeting of the board of supervisors he shall present his bill for the same, verified according to law, and the same having been audited by the board of supervisors, shall be paid to the city treasurer as city funds.

Sec. 270. He shall keep an accurate account of all his proceedings in his docket, a complete and accurate record of all processes issued from and returned to said court, and of all proceedings in all civil or criminal actions, and of all proceedings brought therein or before the city judge, and shall enter therein the judgment and decision of said court or judge; such docket shall have the same force and effect as dockets of justices of the peace in towns.

Sec. 271. All actions, examinations or proceedings pending in justices' courts or the recorder's court of the city in which the taking of evidence upon the trial shall have been actually commenced, shall be then and forthwith transferred into the city court or before the city judge to be disposed of according to law as if instituted in said court or before the said city judge. All processes, pleadings, bonds, undertakings, records, moneys and papers in the actions, examinations and proceed-

ings hereby transferred, then in the custody of the justices of the peace, or either of them, and of the recorder of the city, shall at the time of such transfer, be delivered to the city judge. All trials, examinations or proceedings actually commenced by the taking of evidence when this title takes affect, in the justices' courts or the recorder's court of the city, or before justices of the peace or the recorder of the city, shall be decided by said courts or officers respectively, and judgments therein shall be entered or determined by such courts or officers thereof, as though this act had not been passed. Such judgments or determinations shall be enforced by execution of the judgment or other process the same as if this act had not been passed. The said officers, and each of them, shall make return of such actions, examinations or proceedings before them, respectively, as if his office had not been abolished.

Sec. 272. Any judge holding said courts while in session shall have the same power to preserve order and punish for contempts committed in his presence, as is possessed by judges of courts of record.

Sec. 273. It shall be the duty of the clerk to attend upon said court during the time it is required to be kept open for business, and keep in a docket of said courts a complete and accurate record of all processes issued and returned to said court, of all proceedings in any action or proceeding brought therein, of all moneys paid into said court or received by said clerk; and to receive all moneys payable into the said court, including fees and costs.

Sec. 274. No judge presiding in such court shall receive any moneys payable thereunder or thereto.

Sec. 275. The said court shall have a seal which shall be furnished, and the form or design of which shall be prescribed by the common council and shall contain the following words: "The city court of Rome, New York," and it shall remain in the custody of the clerk of said court.

Sec. 276. The clerk of the court on demand of a party in whose favor a judgment shall have been rendered and payment of the fees therefor, shall give a transcript thereof under his hand and the seal of the court, which may be filed and judgment thereon docketed in the office of the clerk of the county of Oneida, with like effect and in the same case as a transcript of a docket of the justices of the peace.

Sec. 277. Said clerk shall give a bond to the people of the state of New York, with at least two sureties, to be approved by the city judge, in an amount not less than two thousand dollars, which shall be renewed annually on the first day of January in each year and filed in the office of the city treasurer, conditioned for the faithful performance of his duty as such city clerk, and the accounting for and payment of all moneys which shall come into his hands. Such bond to be in addition to any other bond or bonds required of said officer by reason of any other duties, or bond required of him by this act. Any person injured by the default of such clerk, including the city, may maintain an action in his or its own name against said clerk and sureties on said bond in any court having jurisdiction.

Sec. 278. List of trial jurors shall be made up in such court in the same manner and pursuant to the same provisions of law as they are made in the courts of justices of the peace, and the laws applicable to the securing and drawing of jurors in courts of justices of the peace and courts of special sessions shall be applicable to and govern the city court.

TITLE XV.

GENERAL PROVISIONS.

Sec. 279. The city shall have all the powers necessary to the exercise of the rights and the discharge of the duties conferred and imposed upon it by this act. The enumeration herein of its powers shall not be construed to deny, annul or disparage any power possessed by the city by virtue of any provisions of any existing law consistent with this act and not repealed hereby.

Sec. 280. The political year shall begin with the first day of January, and the term of all officers, except those whose terms are otherwise definitely prescribed herein, shall be computed by the political year although the officers may not have been appointed until after the year shall have begun.

Sec. 281. No person, board or department in the city shall have the right to incur any indebtedness for the city, except as authorized by the common council or other municipal board or department in conformity with the provisions of this act.

Sec. 282. No action shall be maintained against the city for damages or injuries to person or property claimed to have been caused by the negligence or misfeasance of the city, or any of its officers or employes unless within three months after the occurrence of the facts out of which the alleged liability arises, a claim in writing, verified by the oath of the claimant, describing as far as then practicable, the time, place, cause and extent of the injury, shall be presented to the common council. The omission to present such claim as aforesaid, within said three months, shall be a bar to any action or proceeding therefor against the city. No action for such damages or injuries shall be maintained unless commenced within one year after the happening of the same. None of the provisions of this section shall be deemed to refer to the class or character of injuries or negligence specified in section one hundred and ninety-eight of this act.

Sec. 283. No judge or jury shall be deemed incompetent upon the trial of any action or proceedings to which the city shall be a party by reason of his being a resident or taxpayer of the city.

Sec. 284. No witness shall be excused from testifying in any criminal proceedings or in any investigation or inquiry before the mayor, the common council or any municipal board having the right to conduct the investigation touching his knowledge of any offense committed against the provisions of this act or any ordinance of the city, but such testimony shall not be used against him in any criminal prosecution whatever.

Sec. 285. All ordinances and by-laws heretofore passed by the common council of the city and not inconsistent with this act or with law, shall continue in force and effect until amended or repealed, and the common council of the city shall have power in the year nineteen hundred and four to adopt ordinances to carry into effect the provisions of this act, which shall take effect herewith.

Sec. 286. The city, through the common council, shall have the power to acquire by agreement or by proceedings under the condemnation law, any private plants and equipments for lighting the public streets and parks of the city, but no expenditures for such purpose shall be made until authorized by special election of taxpayers called and conducted as herein provided for extraordinary expenditures.

Sec. 287. The city shall be regarded as a town under and for the purpose of the provisions of article two of title three of chapter ten of the code of civil procedure, respecting the return of jurors, and the supervisors, assessors and city clerk of said city shall perform the duties enjoined upon the supervisors, assessors and town clerk of the several towns, except that a duplicate list of the return of jurors shall be filed in the office of the clerk of the city. Each ward of the city shall be regarded as a town under the fifth article of chapter twenty of the general laws, and the supervisor and alderman of each ward shall be fence viewers and shall possess all the powers and authority in respect to division fences or walls in their ward which are given by said article to town fence viewers with respect to division fences.

Sec. 288. After the going into effect of this act, the common council and each board of the city, are prohibited from creating any debt not authorized by law or from appropriating any moneys in excess of the amount authorized by law, excepting as herein otherwise provided. The members of the common council, or of any board of the city, voting therefor shall be liable for any debt created in violation of the provisions of this act, and shall be deemed guilty of a misdemeanor. All books, pa-

pers, documents, files, funds and moneys in the hands of any officers, agents or servants of the city shall be transferred and paid to their successors elected or appointed under this act.

Sec. 289. No costs, fees, disbursements or allowances shall be recovered or inserted in any judgment against the city of Rome, or against any of its officers or authorized agents, where said city would be liable to such officer or authorized agents, unless the claim, whether arising on contract, express or implied or on tort, upon which such judgment is founded, shall have been presented for payment to the common council of the city of Rome at least forty days before the commencement of an action thereon.

Sec. 290. The mayor, the president of the common council, president of any board, or chairman of any committee or special committee of the common council, shall have power to administer any oaths or take an affidavit in respect to any matter pending before the common council or such board or committee, and any person who may be required to take an oath or affirmation or to make any affidavit or statement under oath or affirmation, under or by virtue of any provision of this act, who shall under such oath or affirmation in any statement or affidavit or otherwise, wilfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Sec. 291. When corporations, associations, copartners, joint tenants or tenants in common, are to be served with a notice under any provisions of this act, or under the direction of the common council, it shall be deemed sufficient, valid and legal service of such notice to serve a copy thereof upon the president, cashier, treasurer, one of the directors or the managing agent of such corporation or association, or upon any one of such copartners, joint tenants or tenants in common.

Sec. 292. The affidavit of the service of any notice under the provisions of this act, or under the direction of the common council, made by the person serving the same or where the service is by publication, the affidavit of the publisher of the

paper, the clerk, editor or foreman in his office stating that such notice has been published the time required by law, and filed with the city clerk, shall be presumptive evidence of such service in all courts and places as shall also be certified copies of the same.

Sec. 293. Every act, ordinance, by-law, public regulation, resolution or proceeding of the common council or of any of the boards of the city of Rome, may be read in evidence in all courts and places in this state, either:

1. From a copy of such act, ordinance, by-law, public regulation, resolution or proceedings certified by the city clerk, under the seal of the city; or

2. From the printed volume of ordinances, by-laws and public regulations printed by authority of the common council.

Sec. 294. The charter of the city of Rome may be read in evidence from the volume containing such charter, printed by authority of the common council, or from a copy certified by the city clerk, or from the session laws of the state of New York containing the same.

Sec. 295. The word "person" in this act shall be construed to include persons, firms, companies, corporations and associations.

Sec. 296. A description and map of all the streets, highways, alleys, lanes, side and crosswalks, drains, sewers, water mains, hydrants, public squares and walks in said city heretofore laid out or which shall have been dedicated to the public, or given to the village or city of Rome or which shall have been used or occupied by the public for twenty years, shall be recorded in a book to be kept by the city clerk for that purpose, and said map shall be filed and kept in the office of the city clerk. A description of every street, public grounds, sidewalk, crosswalk, drain, sewer, water mains, hydrants and public squares and walks thereafter made or altered or discontinued

shall be recorded in the same book, or in a set of books, to be kept for that purpose, and a map of every new street hereafter made, and of every alteration in a street, shall be made and filed with and kept in the office of said clerk. Said record and map shall be prima facie evidence of the facts therein stated, described or portrayed in all actions or courts.

Sec. 297. The moneys of all leases, licenses and for all penalties and forfeitures for violation of this act or the by-laws, ordinances or regulations of the city, and all fines imposed in and by the city court and all costs received or collected in actions brought in the name of the city in the city court, shall be paid to the city treasurer for the use of the said city and by him passed to the credit of the general city fund.

Sec. 298. Nothing in this act shall be construed to prevent the board of supervisors of the county of Oneida from exercising in respect to the assessment rolls of said city delivered to them, or the taxes imposed by them thereby, the same powers which are vested in boards of supervisors in respect to town assessment rolls and town and county taxes or in the correction thereof; but no charge shall be made by said board in the relative valuation of the different wards as such, but the same shall be considered as a whole.

Sec. 299. Excepting as herein otherwise specifically provided, in case any administrative board of the city shall expend any moneys or incur any obligations at the request or on account of any town or of the county of Oneida for which such town or county may be liable, the amounts paid by such town or county on account of such obligations incurred or moneys expended, shall be passed by the city treasurer to the credit of the administrative board making such expenditures or incurring such obligations.

Sec. 300. All taxes and assessments of the city of Rome uncollected at the time of going into effect of this act shall be collected in the manner herein provided for the collection of taxes and assessments.

Sec. 301. At least six days before an election to fill any public office, the city clerk shall cause to be published twice in the official newspapers of the city a list of all nominations of candidates for offices to be filled at such election, certified to said clerk or filed in his office. Such publication shall contain the name and residence, the street number of the residence and place of business and the party or other designations of each candidate, and a facsimile of the emblems or devices selected and designated in accordance with the election law of the state of New York for each party or other designated nominations in order to represent and distinguish the several political parties or independent bodies. Should the city clerk find it impracticable to make the publication six days before election day, he shall make the same at the earliest possible day thereafter and before the election. Such list of nominations of candidates for offices to be elected in and for the city of Rome solely shall not be published in any newspapers which are not published in the said city of Rome.

Sec. 302. This act is hereby declared a public act, and to be construed accordingly.

Sec. 303. Chapter twenty-five of the laws of eighteen hundred and seventy, and all acts and parts of acts amendatory thereof or supplemental thereto, and all acts and parts of acts inconsistent with and repugnant to the provisions of this act, are hereby repealed, excepting and saving that nothing herein contained shall be deemed to repeal or in any way affect chapter six hundred and twenty-four of the laws of eighteen hundred and ninety-nine, and all acts and parts of acts amendatory thereof or supplemental thereto, and saving, reserving and confirming to the said city all acts done and all rights, privileges, franchises and titles which have arisen or may or might arise therefrom, but such repeal shall not revive any act or part thereof heretofore repealed and nothing herein contained shall be so construed as to destroy, impair or take away any right or remedy acquired by any act hereby repealed or affirmed, and all proceedings or actions commenced under such acts may be prosecuted and defended as though this act had not been

passed; and the provisions of act so far as they are substantially the same as those of laws existing at the time of the passage of this act and especially the provisions of chapter six hundred and twenty-four of the laws of eighteen hundred and ninety-nine and chapter three hundred of the laws of nineteen hundred and three, shall be construed as a continuation of such laws modified or amended according to the language employed in this chapter and not a new enactment.

Sec. 304. (Added by Chapter 651, Laws of 1906). Upon the written request of twenty-five taxpayers of that portion or part of the city outside of the corporation tax district the electors thereof may, at the next annual election held in and for said city, vote by ballot upon the question of changing the system of taxation for working the highways in that portion or part of said city as aforesaid. Such written request shall be acknowledged the same as deeds entitled to be recorded, and be filed in the office of the city clerk at least thirty days prior to the date of such annual election. If a majority of those voting upon such question vote to change such system, the change shall not take effect until the next annual meeting of the board of supervisors of Oneida county after the election at which it was decided to make the change. If the money system of taxation is adopted the amount of taxes required shall be levied and collected in the manner hereinbefore provided. If the labor system of taxation is adopted the highway labor shall be assessed by the board of public works and be performed under the supervision, direction and control of the said board of public works, the same as in towns and as provided by the highway law; except that the highway labor assessed against any railroad corporation for that portion of its road outside the corporation tax district shall be assessed in one item and not in separate road districts, and shall be paid in money at the commutation rates to the city treasurer for the benefit of the highways generally.

CHAPTER 13, LAWS OF 1905.

AN ACT authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement.

Accepted by the city.

Became a law, February 22, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Rome, by its common council, is hereby authorized and empowered, and it shall be its duty, by resolution duly adopted, to issue and sell bonds in the name, in behalf of and upon the credit of said city in an amount not exceeding in the aggregate the sum of twenty thousand dollars par value, for the purpose of paying the city's share, portion or part of the cost and expense of extending and construction street improvements which have been made and completed in said city, and the proceeds of such bonds shall be applied by said common council for the objects and for the purposes aforesaid, and for no other purpose.

Sec. 2. Such bonds shall be signed by the mayor and city clerk of said city, and sealed with the seal of said city. They shall be issued upon such terms and for such length of time and at such rate of interest, not to exceed four per centum per annum, as said common council shall determine, and shall be sold for not less than their par value. They may be sold at public or private sale, as said common council may determine. They shall be numbered consecutively from one to the highest number issued, and the city clerk shall keep a record of each bond, the date, amount, rate of interest, when and where payable, and the purchaser thereof.

Sec. 3. It shall be the duty of said city to be caused to be

raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon said bonds, when and as the same shall become due and payable and from time to time in like manner, to raise the money necessary to pay the principal of said bonds as they shall fall due.

Sec. 4. This act shall take effect immediately.

CHAPTER 393, LAWS OF 1908.

AN ACT to provide for the election of a justice of the peace in the City of Rome.

Became a law, May 20, 1908, with the approval of the Governor.
Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be elected in the city of Rome at the general election to be held in said city in November, nineteen hundred and eight, and every four years thereafter, a justice of the peace, who shall hold office for a term of four years, beginning on the first day of January following his election.

Sec. 2. The justice of the peace so elected shall have and keep an office or place for the transaction of his official business within said city, and not elsewhere. He shall have and exercise all the powers, authority and jurisdiction, and discharge all the duties, and be entitled to all the fees and compensation of justices of the peace of the several towns of this state, except that he shall not have jurisdiction of any criminal matter arising within the city of Rome, nor in any action brought to recover a fine, penalty or forfeiture for the violation of any of the provisions of the charter of said city, or the by-laws, ordinances, rules and regulations of said city, or for

the recovery of taxes and assessments imposed or assessed pursuant to the charter of said city, unless designated by the mayor to act in place of the city judge, in which case he shall have the same powers and be subjected to the same duties provided in said charter relating to the powers and duties of the city judge. Said justice of the peace shall have the same territorial jurisdiction as justices of the peace of the several towns of this state, and a summons issued by said justice of the peace may be served in any part of Oneida county, and except as herein otherwise provided, all laws applicable to justices of the peace of the several towns of this state and to their official acts, duties and powers, shall apply to the said justice of the peace. Appeals from any judgment rendered by said justice of the peace may be taken to the county court of Oneida county within the time and in the manner prescribed by law for appeals from judgments rendered by justices of the peace in towns, and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice of the peace elected under the provisions of this act. Before entering upon the discharge of the duties of his office said justice of the peace shall take and file in the clerk's office of Oneida county the oath of office prescribed by law.

Sec. 3. Any action or proceeding brought or instituted before said justice of the peace shall, on motion of any defendant to such action or proceeding, be removed to the city court of said city, if such defendant shall at the time of joining issue or before any witness is sworn therein file an affidavit with the said justice that he has a meritorious defense, offset or counterclaim to the plaintiff's cause of action, and pay to said justice the legal fees for all proceedings had and taken in said action or proceeding up to the time of filing such affidavit. The said justice of the peace shall thereupon and within twenty-four hours after the filing of said affidavit and payment of costs, as aforesaid, return to the said city court all papers and proceedings made, had and taken before him in said action or proceeding, and said action shall thereafter proceed and be determined in said city court in the same manner and with the same effect as if originally instituted therein, and issue in said

action or proceeding shall be deemed to have been joined in said city court as of the day the original process in such action or proceeding was made returnable before the said justice of the peace. Any justice of the peace failing to certify and return to the said city court all papers and proceedings made, had and taken in an action or proceeding brought before him and removed to said city court, as herein provided shall, upon conviction thereof, be deemed guilty of a misdemeanor and forfeit his office.

Sec. 4. Nothing herein contained shall be construed as limiting, changing, modifying, abrogating or repealing any of the powers and duties conferred upon the city court of the city of Rome or the city judge by the charter of said city of Rome, and all of the provisions of said charter relating to said city court and said city judge shall be and remain unimpaired.

Sec. 5. This act shall take effect immediately.

CHAPTER 321, LAWS OF 1909.

AN ACT to establish a police pension fund for the city of Rome, and to regulate the collection, management and disbursement thereof.

Became a law May 10, 1909; with the approval of the Governor.
Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor of the city of Rome for the time being (and his successors in office), the city treasurer of such city for the time being (and his successors in office), the chief of police of such city for the time being (and his successors in office), and the board of fire and police commissioners of such city for the time being (and their successors in office), shall constitute a board of trustees of the police pension fund

hereinafter mentioned. The mayor of the city of Rome shall be president of said board, and the clerk of the board of fire and police commissioners of said city shall be secretary of said board of trustees of the police pension fund. The city treasurer of said city shall be the treasurer of said police pension fund. Said board of trustees shall have charge of and administer said fund from time to time and invest same or any part thereof as they shall deem most beneficial to said fund and are empowered to make all necessary contracts and take all necessary and proper action and proceedings in the premises and to make payments from said fund of pensions granted in pursuance of this chapter. The said trustees shall, from time to time, establish such rules and regulations for the administration of the police pension fund as they may deem best. They shall report in detail the condition of said fund at the close of each fiscal year of the police department, through their secretary, to the common council and said report shall be published with the annual report of the police department. No payments whatever shall be allowed or made by said trustees as rewards, gratuities or compensation to any persons for salary or services rendered to or for said board of trustees.

Sec. 2. The police pension fund shall consist of the following with the interest and income thereof, namely:

1. All fines imposed upon the members of the police force by the board of fire and police commissioners of such city.
2. All moneys received for said fund from donations, legacies, gifts, bequests or otherwise, for and on account of said fund.
3. One-half of all rewards, gifts and emoluments presented, paid or given to any member of the police force of such city, for or on account of police services and not properly belonging to the city.
4. All moneys paid for special services of policemen at ball games, county fairs, balls, parties, weddings, excursions or picnics, or other special services.

5. All lost or stolen money remaining in the hands of the chief of police, the city court, or the justice of the peace of such city for a period of one year, for which there shall be no lawful claimant; and the moneys arising from the sale of unclaimed property, which the chief of police of such city is hereby authorized to sell after said property shall have been held, without a lawful claimant, for a period of one year.

6. All fees, and moneys realized or received from the granting or issuing of permits to carry revolvers or other weapons, which shall be issued as provided by law, and the ordinances of said city now or hereafter adopted, and one-half of all fines imposed and collected from persons found guilty of carrying concealed weapons.

7. All moneys realized, derived or received from the collection of license fees collected from the owners of dogs in said city, in pursuance of the provisions of the ordinances of said city.

8. The treasurer of the city of Rome shall annually after January first, nineteen hundred and ten, deduct two per centum from the police earnings which are received by him from the board of supervisors of the county of Oneida, and deposit the same to the credit of the police pension fund, for the use and benefit thereof.

9. The treasurer of the city of Rome shall annually after January first, nineteen hundred and ten, deduct five per centum from the city's portion of the excise money received by him from the county treasurer of the county of Oneida and deposit the same to the credit of the police pension fund, for the use and benefit thereof.

10. A sum of money equal to, but not greater than two per centum of the monthly pay, salary or compensation of each member of the police force of said city, which said sum shall be deducted monthly by the clerk of the board of fire and police commissioners of the city from the pay, salary or com-

ensation of each and every member of the police force, including the chief and assistant chief of police; and the said clerk of said board of fire and police commissioners is hereby authorized, empowered and directed to deduct the said sum as aforesaid and forthwith to pay the same to the treasurer of the police pension fund.

11. Whenever by any of the provisions of this act as it now exists or may hereafter be amended, licenses, fees, taxes or other moneys, collected and received by the city, shall form and be a part of the policemen's pension fund, only such portion of such licenses, fees, taxes or other moneys, collected by the city, shall form a part of said fund, or be turned over to the board of trustees of said fund, as shall remain after deducting all of the expenses of the city and its departments in collecting and enforcing the collection of such moneys.

Section 3. The board of fire and police commissioners of said city shall have power, in its discretion, by a vote of at least three of its members to retire and dismiss from membership in said police force and thereupon grant pensions as hereinafter provided to any member of the police force of said city, who shall have become disabled physically or mentally or so advanced in age as to be unfit for police duty, and, by a like vote of the board, to widows and orphans of such members, to be paid from the police pension fund by the board of trustees as follows:

1. Any member of said police force who shall, after twenty years of membership, become superannuated by age, permanently insane or mentally incapacitated or disabled physically or mentally, so as to be unfit or unable to perform full police duty by reason of such disability or disease contracted without misconduct on his part, one-half of the pay of such officer at such time, to be paid monthly.

2. To the widow of any member of the police force who shall have been killed while in the actual performance of duty or shall have died from the effects of any injury received while

in the actual discharge of such duty, who shall hereafter die after twenty years of service in the police force in the city of Rome or who shall have been retired upon a pension under section four of this act, if there be no child or children under sixteen years of age of any such member, the one-half the pay of such officer at the time of his death or retirement, payable monthly; but if there be any such child or children of said member under the age aforesaid, then the said sum may be divided between such widow, child or children in such proportions and in such manner as the said board of trustees of the police pension fund shall direct.

3. To any child or children under sixteen years of age of such member killed or dying as aforesaid, or pensioner as aforesaid, but leaving no widow, or if a widow, then after her death or remarriage to such child or children being under sixteen years of age, a sum equal to one-half of the pay of such officer at the time of his death or retirement, payable monthly.

4. To the mother depending for support upon such member killed or dying as aforesaid, or pensioner as aforesaid, leaving no widow or children, one-half of the pay of said officer at the time of his death or retirement, payable monthly.

Sec. 4. Any member of the police force who, while in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, shall have become permanently disabled, physically or mentally, so as to be unfit to perform full police duty, upon his application in writing or upon a certificate of the police surgeon showing that such member is permanently disabled, physically or mentally, so as to be unfit for duty, shall, by resolution adopted by two-thirds vote of the board of fire and police commissioners of said city, be retired and dismissed from said force and service and placed on the roll of the police pension fund and awarded and granted, to be paid in monthly installments from said pension fund, an annual pension during his lifetime, of a sum equal to one-half the full salary or compensation of such member so retired. Pensions granted under

this act shall be for the natural life of the pensioner and shall not be revoked, repealed or diminished, except as herein otherwise provided, and except in case that said fund shall be insufficient to pay the same in full, in which event there shall be such pro rata reduction as the condition of the fund demands.

Sec. 5. Pensions to widows shall terminate when the widow shall remarry and pensions to children shall terminate whenever the children respectively arrive at the age of sixteen years. No member of the police force shall be awarded, granted or paid a pension on account of physical or mental disability or disease, unless upon the certificate of the surgeon of the police department, which shall set forth the cause, nature and extent of the disability or the disease or injury of each member of the police force who may be placed upon the pension roll, and said certificate shall distinctly state wherein such disability, disease or injury was incurred or sustained by said member of the police force in the performance of police duty, if so incurred, and such certificate shall in each case be filed and entered on the minutes of the board of fire and police commissioners.

Sec. 6. No person who may be a member of the police force of the city of Rome at the time of the passage of this act shall be entitled to any of the benefits herein unless he shall, within thirty days after the passage thereof, elect in writing to come under the provisions of this act, and consent in writing to the monthly deduction of two per centum of his monthly salary or compensation as provided by subdivision ten of section two of this act, and file such election and consent with the secretary of the board of trustees of the police pension fund within said thirty days.

Sec. 7. Nothing in this act contained shall be construed to bind or hold the board of fire and police commissioners, or the trustees of the police pension fund, hereby created, liable for any pension or other moneys to be paid under this act beyond the amount received by them in pursuance of this act.

And in case said fund shall not be sufficient to pay said pensions provided for herein, and granted by said board of fire and police commissioners, in full, then such sum less than herein provided shall be paid to said pensioners pro rata, as the conditions of the fund will warrant.

Sec. 8. The health officer of the city of Rome shall be, and he hereby is, constituted the police surgeon of said city of Rome, and directed to perform all the duties herein imposed upon the police surgeon, but without additional pay or compensation.

Sec. 9. This act shall take effect immediately.

CHAPTER 185, LAWS OF 1917.

AN ACT to create and establish a firemen's relief and pension fund for the fire department of the city of Rome and authorizing the granting and payment of pensions and relief therefrom.

Became a law April 16, 1917, with the approval of the Governor.
Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. **Definitions.** Unless otherwise specified in this act, the words and terms in this section mentioned shall be defined and construed as follows:

1. "Fire commissioners" shall include the fire and police commissioners of the city of Rome, their successors in office, and the person, persons or officers hereafter designated by any statute to have charge and control of the fire department of said city.

2. "Fund" shall include the firemen's relief and pension fund hereby established.

3. "Board of trustees" shall include the board of trustees of the firemen's relief and pension fund hereby created.

4. "Fire department" shall mean and include:

(a) All officers and members of the paid fire department of said city now in office who shall comply with the provisions of this act.

(b) All officers and members of the paid fire department of said city hereafter appointed by the fire commissioners, who shall, after examination by a physician and surgeon selected by the said board of trustees, be found to be in sound health and physical condition and able to perform his full duty as such officer or member and who shall comply with the provisions of this act and also pay into said fund the sum of five dollars to cover the expenses of such examination and other expenses.

Sec. 2. **Firemen's relief and pension fund.** There shall be and hereby is established in the city of Rome a firemen's relief and pension fund for the fire department of said city, which shall consist of:

1. All fines, penalties and forfeitures imposed upon the officers and members of said fire department by the fire commissioners of said city and collectible from pay or salary.

2. All rewards, fees, gifts or emoluments other than salary that may be paid or given for or on account of services rendered by any such officer or member except such as shall be allowed by said fire commissioners to be retained by such officer or member.

3. All sums of money or property that may be contributed by gifts or raised by entertainments given for that purpose.

4. An assessment of two per centum per month on the salaries of all officers and members of said department, which said

sum or assessment shall be deducted semi-monthly by the treasurer of the city from the salary of each and every officer and member of said department and held by such treasurer for the benefit of said fund.

5. The sum of two thousand dollars to be raised by taxation of the property in the corporation district of said city of Rome. This sum is to be known as a permanent fund and to be used only in an emergency. Each year a sum of money to be raised by taxation of the property in the corporation tax district in said city, equal to the amount paid to officers or members of said department on pension and to make up any deficiency in the aforesaid sum of two thousand dollars.

6. The common council may, by ordinance, authorize and direct the payment into said fund of any penalties recovered for violation of any ordinance of the city and the moneys so paid shall be used for the purposes for which said fund is created.

Sec. 3. **Board of trustees.** The mayor, the treasurer of the city, the members of the fire and police commission and the chief of the fire department and their successors in office, shall constitute the board of trustees of said fund. The mayor shall be chairman, the treasurer of the city shall be treasurer, and the clerk of the board of fire and police commissioners shall be secretary thereof, and each of such officers of the board of trustees shall serve without compensation. Said board of trustees shall have the exclusive control, management and distribution of said fund and the treasurer of the city shall be custodian thereof. Said fund shall be kept by the treasurer of the city, separate and apart from any other funds under his custody, and the sureties on the official bond of said treasurer shall be liable for the safe-keeping and due accounting by such treasurer of the moneys and securities belonging to said fund. The board of trustees may make rules and regulations for its government and shall hear and determine all applications for relief or pension under this act. It shall cause to be kept a record of all its proceedings and meetings. No payments whatever shall be made or allowed by said board of trustees as rewards, gratuities or

compensation to any person for salary or services rendered to or for such board of trustee. Said board of trustees is empowered to make all necessary contracts, institute all necessary and proper actions or proceedings and make payments from said fund of relief or pension as provided by this act and not otherwise. The city attorney of the city of Rome shall be the legal adviser of such board of trustees and shall have charge of all actions or proceedings brought by or against such board or the members thereof, and shall serve without additional compensation therefor. When this act takes effect the mayor shall call a meeting of said board of trustees for the purpose of carrying the provisions of this act into effect. A majority of such board of trustees shall constitute a quorum.

Sec. 4. **Pension, when payable:**

1. Any officer or member of the paid fire department who may be found upon examination, by a physician or surgeon of good repute, duly certified under oath, disqualified physically or mentally for the performance of his duties in the department by reason of long service, disease or disability caused or induced by the active performance of the duties of his position, without fault or misconduct on his part, may, during the continuance of such disability, be retired by the fire commissioners, provided that if such officer or member objects to being so retired, he may demand an examination as to such disability by three competent physicians or surgeons of good repute and standing, one to be selected by the fire commissioners, one by such officer or member, and the third by the two physicians or surgeons selected by the fire commissioners, officer or member as aforesaid, and the three so selected shall examine such officer or member and the finding of the majority of such examiners shall be final as to the ability or disability at that time of such officer or member to perform his full duty, and if found able, he shall be returned to duty at the same salary and rank then paid and held by him. Any officer or member retired under the preceding provision of this section, shall, however, remain under the orders of the fire commissioners, who may

order him at any time to do such duty of which he is capable as may be decided to be for the best interests of said department, and while so serving he shall be paid the same salary as that received by the other members of the department of the same rank.

2. Every officer or member of said department who may have become permanently incapacitated from performing full duty as such officer or member by reason of age or of disease or disability caused or induced by injury or by long service and exposure while in the line of his duty, without fault or misconduct on his part, may, on his own application, be retired from service by a majority vote of said fire commissioners, provided the applicant has been examined by three physicians or surgeons selected as aforesaid, and their sworn certificate signed by a majority of such examiners filed with the fire commissioners, showing that the applicant is permanently disqualified from performing his duties in said department.

3. Any officer or member of said department who shall have served therein for twenty years or more since the year eighteen hundred and eighty-one and who is mentally or physically disqualified from performing the duties of his employment, said accident or disease contracted while performing his duty, or has attained the age of sixty years, may retire upon his own application without examination.

4. Except as otherwise prescribed by this act, a pension shall be granted and paid to each person retired under the provisions of this section to the amount of one-half of the salary paid to such person at the time of his retirement, and shall be payable in monthly installments. No officer or member of said department shall be entitled to any allowance as pension during the time he shall be receiving full salary from said city of Rome.

5. Any officer or member of said department who has been placed on pension, can not be employed or receive pay or salary from any other department of the city of Rome.

Sec. 5. **Pension to widow and children.** Said board of trustees may also in its discretion grant, authorize and direct the payment of pensions, payable out of said fund as follows:

1. To the widow and child or children of any officer or member of said department who shall have been killed while in the actual performance of duty, or who shall have died from the effects of injury received or disease contracted while in the discharge of duty, a sum per month not exceeding one-half of the monthly salary paid to such deceased officer or member at the time of his death, irrespective of duration of service. If there be no child or children under eighteen years of age of said officer or member living then all sums allowed under the foregoing provision of this section shall be paid to said widow, and if there be any such child or children under the age aforesaid, then said sum may be divided between said widow and child or children in such proportion and in such manner as said board of trustees may direct.

2. To any child or children under eighteen years of age, of any deceased officer or member mentioned in the preceding subdivision who died leaving no widow, or if a widow, then after her death or marriage, to such child or children under eighteen years of age, a sum per month not exceeding one-half of the monthly salary paid to such deceased officer or member at the time of his death, to be apportioned in such manner as said board of trustees may direct.

3. To any dependent parent or parents of any deceased officer or member mentioned in subdivision one of this section who died leaving no widow or child under eighteen years of age, a sum per month not exceeding one-half of the monthly salary paid to such deceased officer or member at the time of his death to be apportioned in such manner as the said board of trustees may direct.

4. If there be any deceased retired officer or member of said department, who has been retired by the board of trustees, upon

his death said pension shall be paid to the widow, child or children, or dependent parent or parents if there be any.

Sec. 6. Termination of pensions of widow, children. Pensions granted to a widow shall terminate when the widow shall remarry and pensions granted to children shall terminate whenever they shall respectively marry or arrive at the age of eighteen years. Said board of trustees may in its discretion terminate or diminish any pension or any part thereof granted to any widow, child or parent whenever they deem that the necessities of such widow, child or parent do not require its continuance.

Sec. 7. Payments, how made. All payments from said fund shall be made by the city treasurer only upon warrants signed by the chairman of the board of trustees and countersigned by the city clerk and no warrant shall be drawn except by order of the board of trustees duly entered in the record of its proceedings. The city treasurer shall deposit the moneys belonging to said fund in the bank or banks designated by the board of trustees.

Sec. 8. Annual reports. In the month of January, of each and every year, the clerk of the board of trustees shall make a report in writing to the common council of the condition of said fund, in which report there shall be clearly set forth a complete itemized statement of all receipts and disbursements during such year, giving the name of each and every person, corporation or association from whom any money or property has been received or to whom any money or property has been delivered or paid on account of said fund, together with the total amounts thereof.

Sec. 9. Officers receiving money to pay same to treasurer. Any officer or board of officers of the city who shall realize, receive or derive any money, which, under the provisions of law constitute a part of said fund, is hereby directed to pay over the

same immediately to the treasurer of the city to be used and applied as a part of said fund.

Sec. 10. **Swearing falsely.** Any person who shall wilfully or knowingly swear falsely in any oath or affirmation in obtaining or procuring any relief or pension or the payment thereof, under the provisions of this act, shall be guilty of perjury.

Sec. 11. **Board of trustees to serve without additional compensation.** No member of such board of trustees shall be paid or receive any additional compensation for his services as a member of such board.

Sec. 12. Every officer or member of said department, who wishes to join the pension fund must sign an election to take advantage of the provisions of this act.

Sec. 13. All acts or parts of acts inconsistent with, or repugnant to, the provisions of this act are hereby repealed.

Sec. 14. This act shall take effect immediately.

ORDINANCES
OF THE
CITY OF ROME
AS PASSED BY THE
COMMON COUNCIL

Revised to June 1, 1919

Ordinance No. 1.

No person shall make, aid, countenance or assist in making any riot, noise, false alarm of fire, disturbance or improper diversion or behave in an indecent or disorderly manner in the streets, in any public or private premises, or elsewhere in the city, to the annoyance or disturbance of citizens or travelers, or commit any act which seriously injures the person or property of another, or which seriously disturbs or endangers the public peace or health, or which openly outrages public decency, under a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 2.

Any person who shall appear in the streets or in any public place in the city in a state of intoxication may be arrested without a warrant while so intoxicated, and upon conviction shall forfeit and pay a penalty of not more than fifty dollars for each offense.

Ordinance No. 3.

No person shall be allowed to bathe in any pond, river, canal, or other stream within the corporation tax district, under a penalty of not to exceed ten dollars for each offense.

Ordinance No. 4.

No person shall keep or assist in keeping a disorderly or gaming house or establishment, billiard table, shuffle board, e. o., table, faro bank, or any other instrument for gaming, where, or on, or with which money, liquor or any other article shall in any manner be played or gambled for, under the penalty of not to exceed fifty dollars for each offense and the further penalty of twenty-five dollars for every forty-eight hours during which such person shall continue to keep or assist in keeping the same after a conviction for a violation of this ordinance.

Ordinance No. 5.

No person keeping a bowling alley or floor shall permit any

game to be played on Sunday, or at any time between one o'clock and six o'clock in the morning, under the penalty of five dollars for each offense.

Ordinance No. 6.

No person, firm or corporation shall sell, distribute, show, post or exhibit or cause to be sold, distributed, shown, posted or exhibited, any print, writing, bill poster, paper, picture, drawing, photograph, figure or image of an obscene, lewd, lascivious or indecent character, under a penalty of not more than fifty dollars.

Ordinance No. 7.

No person shall keep or assist in keeping a brothel or a house of assignation, nor entertain or assist in entertaining lewd women for the purpose of prostitution, nor procure or aid in procuring lewd women for that purpose, under penalty of not to exceed fifty dollars for each offense.

Any owner or lessee of a house or tenement who shall permit any occupant thereof who shall have been convicted of any violation of this ordinance to continue in the occupation thereof for the purpose of prostitution for ten days after having received notice of such conviction from the mayor, the magistrate before whom the conviction shall be had, or the chief of police, shall pay a penalty of twenty-five dollars for every week's continuance of such occupation thereafter.

Ordinance No. 8.

Every person convicted as a vagrant, mendicant, street beggar, or common prostitute, shall forfeit and pay a penalty of not to exceed fifty dollars.

Ordinance No. 9.

No person shall play ball or any other game or raise or fly a kite in any street, under a penalty not to exceed five dollars.

Ordinance No. 10.

No person shall ring any bell, or make any public outcry or proclamation for any public sale or auction, under the penalty of not to exceed ten dollars.

Ordinance No. 11.

No person shall skate or slide upon any sleds, or otherwise, upon any sidewalk in the city, under penalty of not to exceed ten dollars for each offense.

Ordinance No. 12.

No cattle, horses, goats, sheep, swine, chickens, ducks or geese, shall be permitted to run at large, within the corporation tax district, under a penalty not to exceed ten dollars for each violation of this ordinance.

Ordinance No. 13.

No person shall fire or aid or assist in firing any gun, pistol, squirt, rocket, firecracker, gunpowder, fireworks or explosive combustible, in the streets, public squares or pleasure grounds, or within twenty rods of any dwelling house or store, under the penalty of not to exceed fifty dollars for each offense.

Ordinance No. 14.

No person shall in any street or at any railroad station, or boat landing, solicit passengers for any means of public conveyance, or guests for any tavern, boarding or victualing houses, or recommend or advertise any means of conveyance, carriage, tavern, boarding or victualing house, under a penalty of not to exceed fifty dollars for each offense. No person shall employ, aid or countenance any person in violating any of the provisions of this ordinance, under like penalty.

Ordinance No. 15.

Any person who shall wilfully hinder or obstruct any officer of the city in the performance of any duty required of him in

pursuance of the laws incorporating the city, or the ordinances, by-laws or resolutions of the Common Council or any public board, shall forfeit and pay a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 16.

No person, firm or corporation shall give, or assist in giving, free or for money, any theatrical representation or public concert or performances of any kind, in the bar-room of any inn, tavern, hotel, restaurant or saloon, or in any room adjacent to or adjoining the bar-room of any inn, tavern, hotel, restaurant or saloon, under a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 17.

No person, except members of the police or fire departments, or of fire, hose or hook and ladder companies of this city, shall jump, or attempt to jump, or attempt to ride, on or upon any hose cart, fire engine, hook and ladder truck, wagon, cart, sleigh, or any other vehicle, apparatus, chattel or thing in the service of the fire department or its officers, or of the Board of Fire and Police Commissioners of Rome, N. Y., while the same is getting ready, starting or being driven, hauled, taken or propelled to or from a fire, or in response and obedience to any call or alarm of fire, even if false, or while it is at or about a fire, and whether in operation or not. Any person violating this ordinance shall forfeit and pay a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 18.

No person, firm or corporation, except members of the fire department, in preparing to play upon or extinguish a fire, or in operating upon the same in time of fire, shall drive, conduct, pass or propel, or cause to be driven, conducted, passed or propelled, any wagon, carriage, horse car, street or electric car, truck, engine, sleigh or other vehicle, on, upon or over any uncovered hose laid for use and operation, or in use and operation by the fire department at any fire. But when a fire is substan-

tially extinguished or under control and subjection, if it is necessary to play upon and quench the embers with a stream of water conducted through a hose stretched along or across any street, lane, alley, public square or public thoroughfare, it shall then be the duty of the chief engineer of the fire department, or of the official having the charge, control and management of the fire companies and apparatus at any fire, to cover and protect by boards or other proper material, the hose so in use, in order that public travel, traffic and business may not be unduly suspended, hindered, impaired or obstructed.

And any violation, neglect or non-performance of the duty imposed by this ordinance upon any of the officials of the fire department, or person in that capacity, shall be a violation of this ordinance, and shall subject the violator to the penalty and forfeiture hereinafter stated.

Any person, firm or corporation violating this ordinance or any provisions thereof, and any official who shall neglect or fail to perform his duty thereunder, and shall violate the same, shall forfeit and pay a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 19.

No person in shoveling, plowing, cleaning or removing in any manner snow and ice from and off any sidewalk, crosswalk, paving, square, street, lane, alley, roof, awning or other place or thing shall cover and conceal or leave covered and concealed from view any of the hydrants of the city. And any person so removing snow and ice shall be careful to leave exposed and easily accessible the hydrants of the city in order that they may be quickly and readily discovered for practical uses and purposes in case of necessity or emergency.

Any person violating this ordinance shall forfeit and pay the penalty of not to exceed fifty dollars for each offense.

Ordinance No. 20.

Sec. 1. No person shall move, or cause or permit to be moved,

any building into, along or upon any street, highway, alley or lane, without permission from the Board of Public Works, under a penalty of not to exceed twenty-five dollars for each offense.

Sec. 2. No person having permission from the Board of Public Works to move a building into, along or upon a street, highway, alley or lane, shall suffer or permit the same to remain therein for a longer period than two days, under a penalty of not to exceed twenty-five dollars for each offense.

Ordinance No. 21.

No person shall erect or cause to be erected, any building so as to project over the line of and into any street or alley; and if any building shall be found to project over the street or alley line, the owner or owners, or the persons causing it to be erected, shall, within twenty days after they shall be required by the mayor or chief of police, remove the same under penalty of not to exceed twenty-five dollars, and the further penalty of five dollars for every twenty-four hours the building shall be suffered to remain over the line of the street or alley.

Ordinance No. 22.

The sidewalks and crosswalks of the city, and the bridges within the city limits, being intended for the public accommodation and convenience, shall be kept and reserved free from all obstructions; and all groups or assemblages of persons thereon, at any time, are prohibited. No person or persons shall stand or sit on such sidewalks or crosswalks, or on any such bridge or railing thereof, or occupy the same or stand, sit, congregate or assemble in any hallway, doorway or entrance to any building, so as in any manner to obstruct the free passage thereon, or to hinder, molest or annoy any person in passing along, in or about the same. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of not to exceed fifty dollars for each violation thereof.

Ordinance No. 23.

No person shall suffer any carriage, wagon, cart, sleigh or sled, without horses, to remain or stand on any street or lane

without a written permit from the Board of Public Works, under a penalty of not to exceed ten dollars for each offense.

Ordinance No. 24.

No person shall suffer any horse or horses in any street unless they shall be securely tied, nor at any time fasten any horse or horses to any porch, or in such a way that they, or their reins or lines, shall be an obstacle to the free and full use of any side or crosswalk, under the penalty of not to exceed ten dollars for each offense. The person in whose possession or use the horse or horses shall be, shall be deemed the offender, unless he proves the contrary, to the satisfaction of the magistrate before whom he is tried.

Ordinance No. 25.

No person shall fasten a horse, or any other animal, to, or shall climb, whittle, bruise or otherwise injure any ornamental or shade tree in any street, public square or pleasure ground, or any protection around the same, under the penalty of not to exceed ten dollars for each offense, besides being liable in damages for the injury the owner may sustain.

Ordinance No. 26.

No carriage, wagon, cart, sled or other vehicle, shall be suffered by the owner or driver thereof to remain upon any bridge for a longer time than is necessary to pass over the same, nor shall any person in any manner obstruct the free passage over any bridge, under the penalty of not to exceed ten dollars.

Ordinance No. 27.

No person driving, or in charge of any vehicle, shall obstruct the free passage by foot passengers, upon any crosswalk, by stopping any horse or horses or vehicle thereon, under the penalty of not to exceed ten dollars.

Ordinance No. 28.

No person shall back, drive or lead any horse or horses, or cow or cattle, sheep, hogs, or geese, wagon, or vehicle of any

sort, over or upon any sidewalk, unless it be in crossing the same or to go to or from a yard or lot under the penalty of not to exceed ten dollars.

The provisions of this ordinance shall not apply to baby carriages or invalid vehicles used by persons who can not walk by reason of being invalids or cripples.

Ordinance No. 29.

No person shall ride or drive any horse or horses in any street, ailey or lane, within the "corporation tax district", faster than at the rate of ten miles per hour, under a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 30.

No person shall ride, drive or propel any bicycle or motorcycle in or upon any street of the city at a greater rate of speed than one mile in six minutes, under penalty of not to exceed fifty dollars for each offense.

Ordinance No. 31.

Sec. 1. It shall be unlawful for any street surface railway company or the owner, operator, or any employe thereof to propel its cars in or upon any street or highway within the "corporation tax district" of the city at a greater rate of speed than one mile in six minutes.

Sec. 2. No railroad company, agent or employe thereof or other person, shall obstruct any street crossing or crossings by any engine, car or train of cars standing on railroad track or tracks, at such crossings within the "corporation tax district," for a longer period of time than six minutes consecutively.

Sec. 3. A violation of any of the provisions of this ordinance shall subject the offender to a penalty of not to exceed fifty dollars.

Ordinance No. 32.

No goods, wares or merchandise shall be sold at auction in any street or public place without permission of the mayor or common council, nor in front of any house, store or tenement, without the consent of the occupant; and the articles when placed or exposed for sale shall not occupy more than one-third part of the width of the cartway of the street, under a penalty of five dollars. This ordinance shall not apply in the case of second hand furniture sold in front of the owner's dwelling.

Ordinance No. 33.

Goods may be exhibited by any dealer in the streets in the manner following, and not otherwise:

1. They may be suspended against the front walls or windows of a store below the bottom of the sills of the second story windows, and so as not to project more than fourteen inches into the street.

2. They may be placed upon stands or tables extending not more than three feet from the front of the building on the street, and of a height not exceeding four feet.

3. They may be placed upon the sidewalk at a distance not greater than three feet from the front of the building on the street.

Any violation of the provisions of this ordinance shall subject the offender to a penalty of not to exceed ten dollars for each violation.

Ordinance No. 34.

Goods may be packed or unpacked upon the sidewalk in front of any building, in the manner following, and not otherwise:

1. The same must be done with reasonable dispatch, and the packages removed during the same day.

2. During the time the same is done, the sidewalks shall be kept open for a passage for passengers at least four feet wide.

Any violation of the provisions of this section shall subject the offender to the penalty of not to exceed ten dollars for each violation.

Ordinance No. 35.

No shutter-boxes, packing-boxes, tables, platforms, bales, casks, stoves, iron-castings, or wares of any description (excepting as by ordinance provided), shall be placed, set out or remain upon the sidewalk, or upon the street, under the penalty of not to exceed ten dollars for each violation.

Ordinance No. 36.

Sec. 1. Persons waiting in the vicinity of any railroad station with any means of conveyance for persons or baggage, shall place the vehicles in their charge at such place or places as may be designated by the Board of Public Works; and they shall observe and obey all orders or directions concerning their location, with a view to the convenience and accommodation of the public, which may be given by the Board of Public Works, chief of police or any policeman.

Sec. 2. Persons using carriages or vehicles for the conveyance of passengers for hire, shall locate their carriages or vehicles while waiting for passengers, at such place or places as may be designated by the Board of Public Works, and shall place their vehicles or carriages, and shall be under direction as provided in section one of this ordinance.

Sec. 3. Cartmen shall stand their carts, while waiting for employment, at such places as may be designated by the Board of Public Works.

Sec. 4. A violation of this ordinance shall subject the offender upon conviction to pay and forfeit a penalty of not to exceed fifty dollars.

Ordinance No. 37.

No person shall enter or drive into or upon any public park or square in the city of Rome with any horse, mule, or other animal or with any wagon, cart, carriage, sleigh, cutter or other vehicle whatsoever, except for the purpose of repairing or improving the same. For each and every violation of this ordinance the offender upon conviction thereof shall forfeit and pay a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 38.

Bells of sufficient size and number to attract attention shall be attached to every sleigh, cutter or other vehicle on runners, driven into or upon any street, highway, alley or lane of the city of Rome or to the horse or horses attached thereto. Every person or persons driving such sleigh, cutter or vehicle through any such streets, alleys or lanes without bells as aforesaid shall forfeit and pay a penalty of not to exceed twenty-five dollars for each and every offense.

Ordinance No. 39.

The posting of bills of any description, or the erecting or painting of signs of any character on any of the buildings, bridges or property of the city, is hereby prohibited, under a penalty of not to exceed fifty dollars.

Ordinance No. 40.

No person shall erect or cause to be erected any sign across any sidewalk, street or alley without a written permission from the Board of Public Works, and if any sign shall be found across any sidewalk, street or alley, erected without such permission, the owner or owners thereof, or the person causing it to be erected, shall, within one day after they shall be required by the mayor or chief of police, remove the same, under the penalty of ten dollars, and the further penalty of three dollars for every twenty-four hours the sign shall be suffered to remain across the sidewalk, street or alley.

Ordinance No. 41.

No person shall erect or cause to be erected any awning of

canvas or other material along the line of any sidewalk, unless the lower edge of such awning shall be at least six and a half feet above the surface of the sidewalk. And if any awning shall be found nearer the surface of the sidewalk than six and a half feet, the owner or owners, or the persons causing it to be erected, shall, within one day after the notification by the mayor or chief of police, remove the same or otherwise comply with this ordinance, under a penalty of not to exceed twenty-five dollars and a further penalty of five dollars for every twenty-four hours such awning shall be suffered to remain at a height less than six and a half feet from the surface of the sidewalk.

Ordinance No. 42.

All ornamental and shade trees standing and growing within the lines of any of the streets and alleys of the city shall be trimmed so that the lowest branches shall not be less than twelve feet from the ground. Every person having and owning trees which have not been trimmed in accordance with the provisions of this ordinance shall forfeit and pay the penalty of five dollars for each and every week each and every tree shall remain untrimmed after having received five days' notice to trim the same from the Board of Public Works.

In case such person shall neglect or refuse to trim such tree or trees on being notified to do so as aforesaid, it shall be the duty of the Board of Public Works to cause it to be done, and it shall immediately return to the city treasurer an account of the work performed and the expense thereof, with a description of the lot and the name of the owner or occupant, and it shall be the duty of the city treasurer to present the same for payment, and in case such owner or occupant shall refuse or neglect to pay the same, he shall forfeit and pay a penalty of not to exceed ten dollars in addition to the expense incurred as aforesaid.

Ordinance No. 43.

No person shall place or cause to be placed in or upon any street, alley, sidewalk, square or public park any building material, boxes, barrels, or other property, nor any obstruction to the

free and perfect use thereof without a written permission from the Board of Public Works except as by other ordinances permitted under the penalty of not to exceed fifty dollars for each offense. In case any such materials, boxes, barrels, property, or obstructions shall be found in any such street, alley, sidewalk, square or public park the Board of Public Works may cause the same to be removed at the expense of the owner, or occupant of the property fronting on the street where said materials, boxes, barrels, property or obstructions shall be. In case such owner or occupant shall refuse to pay the expense of removal of said materials, boxes, barrels or obstructions he shall forfeit and pay for such refusal a penalty of \$10 in addition to the expenses incurred by such removal.

Ordinance No. 44.

Sec. 1. The Board of Public Works may grant permission in writing to place and keep building materials in a public street for a period not exceeding four months; but such permission shall contain a condition that it shall be void unless the materials are so placed that they occupy no more than one-half the sidewalk and one-half the space between it and the center of the roadway. The permission may at any time be revoked by the Board of Public Works.

Sec. 2. Every person to whom permission is granted pursuant to the provisions of this ordinance, shall cause all the materials and rubbish arising from his occupation of the street, to be removed by the expiration of the time limited by the permission, or upon the revocation of the permission, under a penalty of not to exceed fifty dollars and an additional penalty of five dollars for each forty-eight hours such materials and rubbish shall remain after the expiration of the time limited by the permission or revocation of the permission.

Ordinance No. 45.

No person, persons or corporation, shall hereafter lay any gas, water, sewer, or other pipes, or make any excavation therefor along the center line of any street in the city of Rome, or within five feet of such center line as established by the records of the

city. Any person or corporation violating this ordinance shall pay and forfeit the sum of not to exceed fifty dollars for each offense.

Ordinance No. 46.

Whenever permission is given by the Board of Public Works to lay any drain, sewer, aqueduct or gas or water pipe along or in any street, or to make any excavation or hole therein, unless the Board of Public Works shall otherwise direct, the same shall be done under the direction of the Board of Public Works as to the time and place, and said board shall see that it is so done as not unnecessarily to hinder or obstruct the free use of the street or sidewalk, and shall also see that the street is restored to good condition after the work is done at the expense of the persons to whom the permission is given. Any person who shall refuse to conform to, and obey, the orders and directions of the Board of Public Works in the premises, shall forfeit and pay for each offense the penalty of not to exceed fifty dollars in addition to the expense incurred as aforesaid.

Ordinance No. 47.

Every owner or occupant of any house, building or vacant lot, adjoining a street or alley which is unpaved, shall cause said street or alley in front of such house, building or vacant lot to be kept at all times clean up to the center thereof and free from all rubbish, manure and filth, and the gutters in front of such house, building or lot to be kept clean and free from all filth, grass, weeds and obstructions of any kind, by which the natural course of the water through such gutters may be obstructed or impeded. Any such owner or occupant failing to comply with the foregoing requirements shall be liable to a penalty of not to exceed ten dollars for each offense.

If the owner of said premises shall fail to keep the street or alley adjoining said premises clean, and the gutters free from obstructions, it shall be the duty of the Board of Public Works to cause said work to be done, and the expense thereof assessed against the said premises, and collected in the manner provided by the city charter.

Ordinance No. 48.

It is hereby ordained that owners and occupants of lots fronting on any street, lane, or inhabited alley within the corporation tax district of the city of Rome, be and they are hereby required to keep the sidewalks fronting their premises free from ice and snow; said walks to be shoveled off by 8:30 o'clock a. m., after each and every fall of snow to the depth of two inches. And in case of any person owning or occupying any lot fronting on any street, lane or inhabited alley as above, shall refuse or neglect to comply with the requirements of this ordinance, he shall forfeit a penalty of not to exceed fifty dollars for each offense. And it shall be the duty of the city engineer to cause the sidewalks fronting the lots owned or occupied by such person or persons to be shoveled off as herein provided, and the expense thereof shall be assessed against and collected of the owners or occupants of the lots so shoveled off in the manner and as provided by the city charter.

It is further ordained that owners of lots fronting on any street, lane or alley, shall keep the sidewalks fronting their premises in good repair under penalty of not to exceed fifty dollars for each offense. The Board of Public Works shall have power to repair any sidewalk when the owner of the property shall neglect to repair the same for five days after written notice to do so has been served on such owner personally or left at his residence, if his residence be known, or can be ascertained, or otherwise by being left with some occupant of the residence or premises, or some person in charge thereof as agent or otherwise. The expense of such repairs shall be assessed and collected in the manner provided therefor by the city charter.

Ordinance No. 49.

Whenever the Board of Public Works shall deem it necessary or determine to pave or repave any street, in or upon which sewer or water mains or pipes have been constructed or laid, or otherwise improve said street or streets, by constructing or laying asphalt, brick, stone, wood, macadam, telford or other pavements, or whenever the Board of Public Works has declared its

intention of making improvements upon any of such streets, the property owners whose lots front or abut thereon who have not theretofore properly connected said lots with the sewer or water main, shall within thirty days after the service upon them of a notice requiring them to do so, lay house connecting drains or service pipes in the manner provided by said Board of Public Works from the line of the curbing in front of their property on streets to the sewer or water main, connecting them therewith; and in case said owners shall refuse or neglect to do such work and lay such drains or pipes and make such connections within the time limited therefor, he or they shall forfeit and pay a penalty of not exceeding fifty dollars.

Ordinance No. 50.

No person, firm or corporation, unless acting under a contract with the city, shall, under a penalty of not to exceed fifty dollars for each offense, remove, displace or injure any pavement or crosswalk on any street of this city, or make any excavation or opening in any of said streets for the purpose of making a connection with or repairing any gas pipe, water pipe, or sewer without a permit in writing issued by the Board of Public Works. Before granting any such permit the Board of Public Works shall require the applicant to give a bond with two sureties in such sum as he may deem adequate, guaranteeing the proper refilling of any such excavation and guarding the same, the proper replacing of any pavement or crosswalk which may be removed, and the maintenance of the trench, pavement and crosswalk in a good condition for the period of one year and further guaranteeing that in case any hole or ditch made for the purpose hereinbefore mentioned shall remain open at night a sufficient guard shall be maintained around the same and a light or lights be placed and kept burning during the hours of darkness in such a position or positions as will sufficiently light up such holes as to avoid danger of accident, and that said applicant will save the city harmless and indemnify it against all loss, damage or other expense that may arise by or through any neglect of such person, firm or corporation to erect and maintain such guards and lights or either of them. The Board of Public Works shall embody in said permit such further rules and regu-

lations, as, in its opinion, may be necessary to prevent any injury by reason of such operations to any of the streets, pavements or crosswalks of the city. Provided, that if in case of emergency, caused by the breaking of a gas or water pipe, the work of repair should be commenced prior to the obtaining of the permit hereby required, the penalty herein named shall not be enforced if the party making the repairs shall within twenty-four hours after its commencement, make the application and furnish the bond herein required.

Every person, firm or corporation receiving permission from the Board of Public Works, under the provisions of this ordinance, containing the conditions therein provided, shall comply with and keep such conditions, under the penalty of not to exceed fifty dollars for each violation thereof.

Ordinance No. 51.

No person shall haul or transport, or cause to be hauled or transported from or through or across any of the streets within the city any gravel, stone, sand, dirt or other substance in any wagon or other vehicle, which is not so-constructed as to prevent the material with which it may be loaded from dropping, sifting through or in any manner being strewn upon any street, under penalty of not to exceed fifty dollars.

Ordinance No. 52.

No person, firm, association or corporation shall spill, pour, drop, throw, place or deposit, or cause or allow to be spilled, poured, dropped, thrown, placed or deposited any kerosene oil, gasoline, benzine, grease, tar or petroleum or oil, or oily substance or oily liquid of any kind or description, or any coal or other nuisance upon any pavement in the city of Rome, and all oil delivery wagons or tanks shall have securely fastened under the taps or faucets thereunto attached an absolutely oil or water-tight lined box or tray, and in filling any measure or other vessel from said tap or faucet such measure or other vessel must be held so that any drip or overflow shall fall into said box or tray, and in removing the same from over any pavement no drip or overflow from such measure or other vessel shall be permitted

to fall upon such pavement, and no receptacle for holding oil of any kind or description shall be placed on any pavement, under forfeiture and penalty of not to exceed fifty dollars for each and every offense.

Ordinance No. 53.

No person, firm or corporation shall place or cause to be placed in or upon any sidewalk, street, alley, or public square any ashes or rubbish or any other obstruction to the free use of the same by pedestrians, wagons, sleighs or other vehicles, except that during a period to be designated by the Board of Public Works in each year. Ashes may be placed in or upon the streets and alleys in accordance with such regulations as may be adopted by the Board of Public Works and not otherwise. Any pile of ashes or rubbish remaining on the streets or alleys after the hour of sunset on any day during such period shall be properly lighted and guarded by proper guards and danger signals by the person so placing same on such street or alley between the hour of sunset and the hour of sunrise. The period during which ashes or rubbish may be placed upon the streets or alleys together with the regulations governing the placing of same on said streets or alleys shall be duly published in the official papers of the city of Rome for such period as the Board of Public Works may determine. Every owner or occupant shall at all times be required to keep the streets and alleys adjoining his premises clear of ashes and rubbish except that during the period hereinbefore mentioned he shall keep them in accordance with the rules and regulations of the Board of Public Works. Boxes or barrels containing ashes or rubbish may be placed by the owner or occupant of any premises, on the outer edge of the sidewalk or in alleys fronting the same, on such days as may be specified by the Board of Public Works for the collection of ashes and rubbish on such street or alleys or in such district or districts as may be determined by said Board of Public Works, the contents of which boxes or barrels shall be removed by the street contractor or the Board of Public Works. No owner or occupant of any premises shall place such boxes or barrels upon any street, alley or sidewalk at any time other than as specified by the Board of Public Works, nor shall such owner or

occupant permit such boxes or barrels to remain upon such street, alley or sidewalk more than three hours after the contents thereof shall have been removed.

Any person, firm or corporation violating the provisions of this ordinance shall be subject to a penalty of not to exceed fifty dollars for each and every violation thereof.

Ordinance No. 54.

No person or corporation shall hereafter, without due authority, destroy, remove or alter the position of any monument or other landmark, located in the intersection of any street or streets in the city of Rome, under a penalty not to exceed fifty dollars for each offense.

Ordinance No. 55.

Sec. 1. No person shall remove, displace, or interfere with any barricade, railing or protection around a defective place in any street or about any trench, excavation, repair or construction work, or pavement, placed by or under authority of the Common Council or by any authorized board or official of the city of Rome.

Sec. 2. No person shall interfere with, change or alter the pitch, grade, level or line of any street, lane, alley, square, sidewalk or crosswalk, or remove, alter, pull up, deface or otherwise interfere with any monument, stake or mark, or cause same to be done, which has been set, fixed or placed by the City Engineer or any other authorized official or board of the city of Rome.

Sec. 3. No person shall ride, drive or lead any horse or other animal or propel any vehicle over any pavement in process of construction or reparation in any street until such work is completed, ready and opened for the use of the public.

Sec. 4. Any person violating any of the provisions of this ordinance shall forfeit and pay a penalty of not to exceed fifty dollars.

Ordinance No. 56.

Sec. 1. No person shall injure, deface or tarnish any public building, or any property belonging to the city, in any manner whatever, under penalty not to exceed fifty dollars for each offense.

Sec. 2. No person shall wantonly or wilfully injure, cut, deface, tarnish or besmear any wall, hydrant, fountain, aqueduct, or reservoir, bridge, fence, railing, building, house, or outhouse, or any part thereof, external, or internal, nor any useful or ornamental structure, or any shade tree or shrub, under penalty of not to exceed fifty dollars for each offense.

Ordinance No. 57.

No person shall throw, distribute or leave, or cause to be thrown, distributed or left, or shall deposit in any waste box or other receptacle upon any of the streets, alleys or public places of the city, any bill, advertisement, paper or any waste paper material, in such manner so that the same may be scattered or left upon the surface of any street, alley or public place. Any person violating this ordinance shall forfeit and pay the sum of not to exceed fifty dollars for each and every offense.

Ordinance No. 58.

No person, firm or corporation shall permit or have any offensive substance, water or other liquid, whether refuse, or for use in any trade or otherwise, on his premises, or throw, deposit or allow to run, or to be thrown into any public waters, street or public place, lake, pond, river or stream, any offensive or deleterious liquid or any gas, tar or refuse, or any offensive matter; or foul or render impure any natural stream of water or fail to use the most approved and all reasonable means to prevent the escape of smoke, gas and odors. A violation of this ordinance shall subject the offender to a penalty of not to exceed fifty dollars.

Ordinance No. 59.

Sec. 1. No owner or occupant of any tenement or lot, shall

cause, or suffer, or permit any nuisance to be or remain in or upon the same, or between the lot (when said lot adjoins the street) and the middle of the street adjoining, under the penalty of not to exceed fifty dollars for each offense, and the further penalty of five dollars for every twenty-four hours the same shall be suffered to remain after notice to remove.

Sec. 2. No person shall throw, place or deposit, or cause or suffer any nuisance to be thrown, placed or deposited in any street, alley, sewer or elsewhere, under a penalty of not to exceed fifty dollars for each offense.

Sec. 3. All dead animals, carrion, putrid meat, spoiled fish or oysters, decayed vegetables, or offal of any kind, and all substances emitting a disagreeable, nauseous or unwholesome odor, are declared nuisances within the meaning of this ordinance.

Ordinance No. 60.

No person shall cast, or throw, or cause to be cast or thrown into any drain, sewer, or gutter, any straw, shavings, wood, stones, shells, rubbish, or any filthy or other substance which may cause an obstruction, nuisance or injury thereto, nor shall any person stop or divert the course of any drain or sewer under a penalty of not to exceed fifty dollars for each offense.

Ordinance No. 61.

No person, without permission from the Board of Public Works shall dig, remove or carry away or cause the same to be done, any stone, earth, sand or gravel from any street, highway, alley or square, where the same shall have been graded and completed, under a penalty or not to exceed fifty dollars for each offense.

Ordinance No. 62.

Sec. 1. Any person owning or harboring any dog shall not allow the same to be found at large in any street, highway, alley, lane or public place of the city, without annually before the first day of April, causing such dog to be numbered and

licensed for one year by the city clerk of said city; the city clerk shall receive for such service the sum of one dollar for each dog, and such owner shall cause such dog to wear around its neck a collar which shall be distinctly marked with a registered number tag to be furnished by the city clerk, which shall be recorded in a book kept by him; the shape of said tags to indicate the year for which they are issued.

Sec. 2. It shall be lawful for any person to detain and deliver to the dog policeman or police department any dog not tagged as required by this ordinance, if found at large in any street, highway, alley, lane or public place in this city at any time.

Sec. 3. The Board of Police and Fire Commissioners are hereby authorized and directed to appoint a dog policeman who shall be paid the sum of one dollar for each dog detained by him; the said dog policeman shall cause all dogs found running at large in the city without a collar marked and registered as provided in Section 1 to be detained a reasonable length of time in the custody of the police department to enable the owners of such dogs to redeem them by payment of a fee of two dollars for each dog in addition to the fee of registering; at the end of such period all dogs remaining in the custody of said department are to be destroyed.

The fees so received by the city clerk and police department are to be paid to the city treasurer and placed to the credit of the police pension fund. The expense of executing and enforcing this ordinance shall be payable first out of any moneys received under the provisions of this ordinance.

Sec. 4. It shall be unlawful for any person or persons to take, detach, or remove from the collar of any dog the registered tag herein specified under a penalty of not less than five dollars or more than twenty-five dollars or imprisonment for a corresponding number of days in the common jail, for each offense. Dogs belonging to non-residents detained under this ordinance may be redeemed without penalty upon satisfactory proof to the police department of the non-residence of the owner.

Ordinance No. 63.

No person, association, partnership or corporation shall vend or sell or offer to sell or hawk any goods, wares or merchandise from any stand, box, barrel, cart, wagon or vehicle of any kind, or otherwise, placed or located upon any street, street corner, intersection or public square in the city of Rome; nor shall any person, association, partnership or corporation trade as a pedler or sell or offer to sell from door to door in said city any goods, wares, merchandise, products or produce other than family groceries, provisions, farm and garden produce, without first procuring a license so to do from the mayor and paying therefor for the use of the city the sum of \$100.00 per month.

A violation of any of the provisions of this ordinance or failure to comply therewith by any person, association, partnership or corporation shall subject the offender to the payment of a penalty of not less than \$100.00 nor more than \$200.00 for each offense, and in default of the payment thereof the person convicted shall be imprisoned for a period of not more than sixty days.

Ordinance No. 64.

Sec. 1. No person shall act as an auctioneer in the city of Rome, except in judicial and legal sales, unless such person shall have complied with the laws of the state of New York regulating auctions and auctioneers, and shall also have procured a license from the mayor authorizing such person to act as such auctioneer, and paying therefor such license fee as may be fixed by the Common Council. Any license granted as herein provided shall expire at the end of the fiscal year, unless otherwise provided in such license, and the Common Council shall have the right and power to revoke any license so granted at any time. Nothing herein contained shall apply to the sale by auction of farm property, real or personal, when such sale shall be conducted on the premises of the owner.

Sec. 2. Every person, firm or corporation, whether principal or agent, entering into or beginning or desiring to begin a transient retail business in the city of Rome for the sale of any goods, wares or merchandise whatever, whether the same shall

be represented or held forth to be bankrupt, assignee about to quit business, or goods damaged by fire, or otherwise, must first take out a license therefor to be issued by the mayor upon the payment of such license fee as may be fixed by the Common Council. Any license granted as herein provided may be revoked at any time by the Common Council.

Sec. 3. Any person, firm or corporation violating any of the provisions of this ordinance shall forfeit and pay a penalty of not to exceed \$50 for each offense. Every day the business or occupation, as herein described, is conducted or carried on without the procurement of a license and payment of a license fee, shall constitute a separate offense.

Ordinance No. 65.

Sec. 1. No person, firm or corporation shall exhibit free or for money any theatrical representation, show, opera, circus, menagerie, feats of horsemanship, or any animal or other natural or artificial curiosity, or give any public concert, show, entertainment, performance or exhibition, or conduct any merry-go-round, shooting gallery, moving picture show, penny arcade, skating rink, or similar entertainment, or rent or use any tent or building for any of such purposes, without previously having obtained a license from the mayor and paid therefor such license fee as may be fixed by the Common Council. Any license granted as herein provided may at any time be revoked and canceled by the mayor or Common Council, and all licenses granted shall expire at the end of the fiscal year unless otherwise provided in such license.

Sec. 2. Any person, firm or corporation violating any of the provisions of this ordinance shall forfeit and pay a penalty of not to exceed \$50 for each offense, and an additional penalty of not to exceed \$50 for each day such violation continues.

Sec. 3. The provisions of this ordinance shall not apply to concerts, exhibitions, theatrical performances or entertainments given by and under the auspices of any church, religious, charitable, fraternal, social or labor organization or society located in the city of Rome.

Ordinance No. 66.

Sec. 1. No person, firm or corporation shall engage in, carry on or conduct the business or occupation of bill posting or sign advertising or erect any bill board, advertising sign or sign board for advertising purposes without first obtaining a license therefor to be issued and granted by the mayor on the payment of such license fees as may be fixed by the Common Council.

Sec. 2. Any person, firm or corporation granted a license as in this ordinance provided shall remove all waste paper and refuse from and about all bill boards and other places where advertising matter has been posted.

Sec. 3. All licenses issued and granted as herein provided shall expire at the end of the fiscal year, unless otherwise provided in such license. The mayor shall have power to revoke and cancel any license issued and granted by him at any time during the term of such license. The mayor or Common Council shall also have power to direct and compel the removal of any and all bill boards placed in or upon any street or building, highway, sidewalk, public place or other premises.

Sec. 4. No person, firm or corporation shall scatter or throw in or upon any park, street, alley, lane or sidewalk of the city posters, handbills, advertisements or papers of any kind, or shall attach to any tree, lamp post, electric light, telephone, telegraph or trolley pole, hydrant box or barrel in or upon any park, street, alley, lane or sidewalk, or place on any public building or property belonging to the city any bills, notices, letters, pictures or characters of any kind for the purpose of advertising.

Sec. 5. Nothing contained in this ordinance shall be construed to prevent the posting of notices required by law, or be construed to authorize any person, firm or corporation to obstruct the streets, lanes and sidewalks of the city, or create any nuisance therein.

Sec. 6. Any bill board, advertising sign or sign board which

has been or which may hereafter be erected or constructed in violation of this or any other ordinance shall be summarily removed by the Police Department upon a certificate of the Board of Fire and Police Commissioners or of the mayor that such bill board, advertising sign or sign board has been erected in violation of this or any other ordinance, and any person, firm or corporation violating any of the provisions of this ordinance or failing to comply therewith shall also forfeit and pay a penalty of not to exceed \$50.

Ordinance No. 67.

Sec. 1. No wooden building or wooden roofed building shall be erected within the following parts of the city to wit: Commencing at the intersection of the center lines of Park and North James streets, thence westerly along the center line of Park street to the center line of George street; thence southerly along the center line of George street to the center line of John street; thence along the center line of John street to S. Washington street; thence southerly along the center line of S. Washington street to the tracks of the R. W. & O. R. R.; then following along the tracks of said road and N. Y. C. industrial tracks to the center line of Mill street; thence northerly along the center line of Mill and First streets, to a point 200 feet northerly at right angles from the northerly line of Dominick street; thence in a line parallel to the center line of Dominick street to the Black River Canal; thence northerly along the Black River Canal to the center line of Liberty street extended; thence westerly to the intersection of the center line of Liberty and Spring streets; thence northerly along the center line of Spring street to the center line of Park street to the place of beginning. Provided, however, that the Board of Fire and Police Commissioners may grant permission to alter, repair or change any building now existing within the limits above described, of such materials and subject to such conditions, provisions and regulations as it may determine, provided the same is used exclusively for dwelling purposes.

Sec. 2. All buildings or additions thereto within the limits prescribed in Sec. 1 of this ordinance shall be made or con-

structed, repaired or rebuilt, if requiring the same, by reason of being partially destroyed by fire or otherwise, of stone, brick or other fireproof material, with fireproof partition walls, fireproof roofs, fireproof cornices and eave troughs, except as herein otherwise provided.

Sec. 3. No building of any kind or description shall be erected or constructed within the limits as prescribed in Sec. 1 of this ordinance unless the plans and specifications for said building shall first be submitted to and approved by the Board of Fire and Police Commissioners, except as herein otherwise provided.

Sec. 4. Repealed.

Sec. 5. The Board of Fire and Police Commissioners, the Chief of the Fire Department, or any officer or officers, employe or employes of the Fire Department, or any person whom said Board may designate shall at all times have power and authority to enter, visit and inspect any building or premises in the city of Rome for the purpose of examining its condition relative to liability to fire or accident from fire, and to ascertain whether proper precautions are taken, observed, and maintained against fire and accident from fire. The said Board of Fire and Police Commissioners shall have power to compel and require the owner or occupant of any building or premises to make such additions, changes, alterations or repairs thereto, and to keep and install thereon such appliances and devices and to take such precautions as said Board may deem and declare necessary to prevent fire or accident from fire.

Sec. 6. No person shall allow any article, material or substance to be stored, placed or kept within the city limits which shall be deemed and declared by the Board of Fire and Police Commissioners, or the Chief of the Fire Department, to be dangerous to person or property on account of its liability to fire or explosion. The Board of Fire and Police Commissioners or the Chief of the Fire Department shall, in writing, notify the person or persons, or any of them, having possession or control thereof, to forthwith remove the same, and in case of failure to remove such article, material or substance, the said Board of

Fire and Police Commissioners, or the Chief of the Fire Department, or any person designated by said Board or Chief of the Fire Department shall remove the same.

Sec. 7. Any person, firm or corporation violating any of the provisions of this ordinance or failing to comply therewith shall forfeit and pay a penalty of not to exceed \$50 for each offense, and an additional penalty of not to exceed \$50 for each day such violation or failure to comply therewith continues.

Ordinance No. 68.

No person, firm or corporation, shall in any manner canvass the city of Rome for the purpose of making and compiling a directory thereof; nor shall any person make, publish, compose or deliver in the city of Rome, a directory purporting to contain a list of the inhabitants of said city unless he or it shall first satisfy the mayor of his or its responsibility, and obtain his permit or license in writing. Any person violating this ordinance, or any provision thereof, shall forfeit and pay a penalty of \$50 for each offense.

Ordinance No. 69.

The mayor is hereby authorized to direct, by writing to be signed by him, any prosecution to be commenced and prosecuted to judgment against any person in the name of the city, for a violation of any ordinance or by-law of the Common Council, or other administrative board, any resolution having the effect of an ordinance, or for the recovery of any penalty or forfeiture imposed by any law of the state, and which may be sued for and recovered in the corporate name of the city, and in any such action to authorize the city attorney, or in his absence or inability to act, any suitable person to appear for the city and prosecute the action to judgment; and every direction and authority given in accordance with this ordinance, shall be as valid and effectual as if given or conferred by an order of the Common Council.

Ordinance No. 70.

If any person be adjudged to have violated any ordinance,

by-law or regulation of the city or any of its public boards, the city judge may impose a fine which shall not exceed in each case the amount of penalty provided in such ordinance, by-law or regulation, for the violation thereof, besides costs, and such person may be committed to the county jail until such fine and costs be paid for a term of not to exceed one day for every one dollar of such fine and costs, and not exceeding a longer period than fifty days.

Ordinance No. 71.

No person shall have or carry concealed upon his person, any pistol, revolver or other firearm, without first obtaining a written license therefor, to be issued and granted by the city judge upon the payment of a license fee of \$1. The city judge shall on the first day of each month pay and turn over to the city treasurer all fees received by him as herein provided. The provisions of this ordinance shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations when parading, nor to the members thereof going to or from the places of meeting of their respective organizations. Any person violating the provisions of this ordinance shall forfeit and pay a penalty of not to exceed \$50.

Ordinance No. 72.

All persons riding, driving or motoring vehicles, automobiles, bicycles or conveyances of any kind or leading or driving horses, or other animals, upon the roadways of the city, shall keep to the right and as near the curb or gutter of the roadway as practicable, and shall pass vehicles, automobiles, bicycles, conveyances, horses or other animals on the left of the vehicle, automobiles, bicycle, conveyance or animals passed. In turning corners to the right, vehicles, automobiles, bicycles, conveyances, horses or other animals shall keep to the right of the center of the road, and as near the curb or gutter as practicable. In turning corners to the left they shall pass to the right of the center of intersection of the two roads and shall keep as near the curb or gutter as practicable. The police department shall have

supervision and control of traffic in all streets, highways and roadways of the city, and at entertainments and gatherings, and all persons riding, driving or motoring shall obey the orders and directions of such department. Any persons violating any of the provisions of this ordinance shall forfeit and pay a penalty of not to exceed \$50.

Ordinance No. 73.

Sec. 1. No person or persons, firm, corporation or co-partnership shall keep for sale, offer for sale, distribute, give away or have in his, its or their possession any fireworks of any character whatever, for use within the city of Rome, which shall contain dynamite, giant powder, nitro-glycerine, dualin or other explosives more powerful than ordinary gun powder.

No person or persons, firm, corporation or co-partnership shall keep for sale, offer for sale, distribute or give away or have in his, its or their possession, or use within the city of Rome, any giant fire-cracker or any other fire-cracker that is likely to maim or injure any person by the explosion thereof, except Chinese fire-crackers not exceeding five inches in length; nor shall any person or persons, firm, corporation or co-partnership keep for sale, offer for sale, distribute or give away or have in his, its or their possession for use within the limits of the city of Rome, any toy pistols or toy cannons of any description whatever in which powder of any kind can be exploded, blank cartridge pistols, toy cartridge pistols or toy revolvers, repeating or boomjack marbles, kango clubs, or car track torpedoes, Vesuvius torpedoes, torpedo canes or ammunition for torpedo canes.

No person shall place any torpedo of any description whatever upon the street car tracks or upon the public streets of the city of Rome.

Sec. 2. Any persons, firm, corporation, co-partnership violating any of the provisions of this ordinance shall forfeit and pay a penalty of not exceeding \$50.00 for each offense.

Ordinance No. 74.**The Rules.**

Rule 1. Importance of keeping to the right, passing, turning, crossing, stopping, and backing.

Sec. 1—A vehicle, except when passing a vehicle ahead, shall keep as near the right hand curb as possible.

Sec. 2—A vehicle meeting another shall pass to the right.

Sec. 3—A vehicle overtaking another shall pass on the left side of the overtaken vehicle and not pull over to the right until entirely clear of it.

Sec. 4—A vehicle turning into another street to the right shall turn the corner as near the right hand curb as practicable.

Sec. 5—A vehicle turning into another street to the left shall turn around the center of intersection of the two streets.

Sec. 6—A vehicle crossing from one side of the street to the other shall do so by turning completely around and heading in the opposite direction.

Sec. 7—No vehicle shall stand backed up to the curb except when actually loading or unloading, and if said vehicle is horse-drawn and has four wheels, the horse or horses must stand parallel to the curb and faced in the direction of traffic; but no vehicle shall stand so backed up if it interferes with or interrupts the passage of other vehicles or street cars.

Sec. 8—No vehicle, unless in an emergency or to allow another vehicle or pedestrian to cross its path, shall stop in any public street or highway except near the right hand curb thereof and so as not to obstruct a crossing.

Sec. 9—No vehicle shall stop with its left side to the curb.

Sec. 10—Before backing ample warning shall be given and while backing unceasing vigilance must be exercised not to injure those behind.

Rule 2—Right of way.

Sec. 1—Police, fire department, U. S. mail vehicles and ambulances shall have the right of way in any street and through any procession.

Sec. 2—Subject to Sec. 1 of this Article, street cars shall have the right of way between cross streets, over all other vehicles; and the driver of any vehicle, proceeding upon the track in front of a street car, shall immediately turn out upon signal by the motorman or conductor of a car.

Sec. 3—Subject to Sec. 1 of this Article, everything being equal, all vehicles and street cars going in a northerly or southerly direction shall have the right of way over all vehicles and street cars going in an easterly or westerly direction.

Sec. 4—No vehicle or street car shall so occupy any street as to interfere with or interrupt the passage of other street cars or other vehicles.

Sec. 5—The driver of a vehicle, on the approach of a fire engine or any other fire apparatus, shall immediately draw up said vehicle as near as practicable to the right hand curb and parallel thereto and bring the vehicle which he is driving to a standstill.

Sec. 6—The driver of a street car shall immediately stop said car and keep it stationary upon the approach of a fire engine or other fire apparatus.

Rule 3. Speed.

Sec. 1—No vehicle shall proceed at any time at a greater speed than the law allows and is safe and proper under the conditions then obtaining.

Sec. 2—No vehicle shall cross any street running north and south or make any turn at a speed which would preclude having the said vehicle under absolute control.

Rule 4. Control of Horses.

Sec. 1—No horse shall be left unattended in any street or highway unless securely fastened.

Sec. 2—No one shall remove a wheel, pole, whiffletree or any other part of a vehicle or any part of a harness, likely to cause accident if the horse or horses start, without first unhitching the horse or horses attached to said vehicle.

Sec. 3—No one shall cease to hold the reins in his hand while riding, driving or conducting a horse.

Rule 5. The Respective Rights and Duties of Drivers and Pedestrians.

Sec. 1—The roadbeds of highways and streets are primarily intended for vehicles, but pedestrians have the right to cross them in safety, and drivers of vehicles and street cars must exercise all possible care not to injure pedestrians. Pedestrians should, on their part, never step from the sidewalk to the roadbed without first looking to see what is approaching and should not, needlessly, interfere with the passage of vehicles or street cars.

Rule 6. Obedience.

Sec. 1—Drivers of vehicles and street cars must at all times comply with any direction by voice or hand, of any member of the Police Force, as to stopping, starting, approaching or departing from any place; the manner of taking up or setting down passengers or loading or unloading goods in any place.

Sec. 2. Ignorance of these rules shall furnish no excuse for disregarding them.

Rule 7. Any person, firm or corporation violating any of the provisions of this ordinance shall forfeit and pay a penalty of not to exceed Fifty Dollars for each offense.

Ordinance No. 75.

No person shall operate or drive a motorcycle on any sidewalk within the corporation tax district of the city of Rome.

No person shall operate or drive a motorcycle on any public street or highway of and within the corporation tax district of the city of Rome at a greater rate of speed than one mile in four minutes.

Every motorcycle operated and driven upon any public street or highway of the city of Rome, shall, during the period of one-half hour after sunset to one-half hour before sunrise, display a lighted lamp on the front of such motorcycle, which shall be sufficient to be visible at least two hundred feet in the direction in which the motorcycle is proceeding.

Any person violating the provisions of this ordinance shall forfeit and pay a penalty of not to exceed fifty dollars for each offense.

All ordinances and parts of ordinances of the city of Rome, inconsistent with the provisions of this ordinance, are hereby repealed.

Ordinance No. 76.

No person, firm or corporation, shall operate or drive a motor vehicle on any public street or highway of and within the corporation tax district of the city of Rome, at a greater rate of speed than one mile in four minutes.

The Board of Public Works hereby is authorized and directed to place conspicuously on each main public highway where the line of the said corporation tax district crosses the same, signs of sufficient size to be easily readable by a person using the

highway, bearing the words "City of Rome. Slow down to fifteen miles," and also an arrow pointing in the direction where the speed is to be reduced.

Any person, firm or corporation violating the provisions of this ordinance shall forfeit and pay a penalty of not to exceed fifty dollars for each offense.

All ordinances and parts of ordinances of the city of Rome, inconsistent with the provisions of this ordinance, are hereby repealed.

Ordinance No. 77.

Sec. 1. All persons driving or operating vehicles in or upon the streets and public places of the city on approaching street cars which are proceeding in the same direction and which have stopped, or are about to stop, for the purpose of taking on or discharging passengers, shall cause such vehicle to slow down and be brought to a stop, and shall not proceed until such street shall be free and clear of such passengers.

Sec. 2. Any person violating the provisions of this ordinance shall be liable to a penalty of not more than \$25, or in lieu of said penalty, liable to imprisonment of one day for every dollar of penalty imposed and unpaid.

Ordinance No. 78.

Sec. 1. Every automobile, motorcycle or other motor vehicle propelled by an internal combustion engine, when such vehicle is on any street, road, avenue, alley, park, parkway or public place within the city limits, shall be equipped with a muffler or silencer, through which all of the exhaust gases from the engine will escape into the atmosphere, so as to reduce as far as may be practicable, the noise which might otherwise be caused by the escape of said gases.

Sec. 2. The operator of any automobile, motorcycle or other motor vehicle, when such vehicle is on any street, road, avenue, alley, park, parkway or public place within the city limits,

shall not use any cut out, fitting or other apparatus or device which will allow the exhaust gases from the engine of such motor vehicle to escape into the atmosphere without first passing through a suitable muffler or silencer as described in Sec. 1.

Sec. 3. Any person guilty of a violation of this ordinance shall be liable to a penalty of not more than \$10, or in lieu of said penalty, liable to imprisonment of one day for each dollar of said penalty imposed and unpaid.

Ordinance No. 79.

Sec. 1. There is hereby created a commission to be known as the City Planning Commission of the City of Rome and to consist of seven members.

Sec. 2. The members of such commission shall be appointed by the mayor. The first members of said commission shall be appointed as nearly as possible as follows: One-third of them for a term of one year, one-third for a term of two years and one-third for a term of three years, and at the expiration of such terms the term of office of their successors shall be three years, so that the term of office of one-third of such commissioners, as nearly as possible, shall expire each year. All appointments to fill vacancies shall be for the unexpired term. Not more than one-third of the members of said commission shall hold any other public office in the city.

Sec. 3. The members of said commission shall receive no compensation for their services.

Ordinance No. 80.

No person shall, within the city of Rome, buy or sell any old metal, rags, second hand articles or other junk, either for himself or as an employe of another or upon commission for another or otherwise; nor shall any person, association, partnership or corporation engage in the business of buying and selling old metal, rags, second hand articles or other junk in the city of Rome without first procuring a license so to do from the mayor of said city and paying for the use of said city the sum of \$5.00, which license shall expire on June 30th each year.

Any person, association, partnership or corporation violating any of the provisions of this ordinance and failing to comply therewith shall forfeit and pay a penalty of not to exceed \$50.00 for each offense.

Ordinance No. 81.

No goods, wares or merchandise shall be sold at public auction within the city of Rome unless the person so selling shall procure from the mayor a license and pay a fee therefor to the city clerk of \$100 per day and file with the clerk a bond in the penal sum of \$1,000, with two sufficient sureties to be approved by the mayor, conditioned for the faithful observance of the Laws of the State of New York and the ordinances of the city of Rome relating to auctions and auctioneers. Such license shall expire one year from date of its issue and shall not be transferred without the written consent of the mayor; nor goods, wares or merchandise be sold at auction in front of any house, store or tenement without the consent of the occupant. This ordinance shall not apply to the sale of local grown farm or garden produce, nor to the sale of second hand furniture in front of the owner's dwelling, nor to the sale by a public officer of property under and by virtue of legal process or a mortgage. Neither shall it apply to a sale conducted by a bona fide resident of the city who shall have first obtained the consent of the mayor in writing for such sale.

Ordinance No. 82.

Sec. 1. No person, association, partnership or corporation shall within the city of Rome lay out, establish or plot any parcel or tract of land until such person, association, partnership or corporation shall have made or cause to be made a correct map or plan thereof showing streets, blocks or lots proposed thereon, and such map or plan shall have been submitted to and approved by the Board of Public Works. After the approval of said map or plan a copy thereof shall be forthwith filed in the office of the city clerk and also in the office of the county clerk.

Sec. 2. Any person, association, partnership or corporation violating any of the provisions of this ordinance or failing to

comply therewith shall forfeit and pay to the city of Rome a penalty of \$500.00.

Ordinance No. 83.

Sec. 1. There is hereby established a public market. The market shall, subject to the approval of the Board of Public Works, be located on the westerly side of South Washington street, between West Dominick street and the Erie Canal.

There shall be marked off on the street curb sufficient stall space eight feet in width and these spaces shall be numbered consecutively. All stands, wagons or other vehicles shall be backed up to the curb and in no case shall extend out into the street beyond the center line thereof.

Sec. 2. The public market shall be opened for the transaction of business every Tuesday, Thursday and Saturday in each week from June 20th to October 20th, between the hours of 6 a. m. and 9:30 a. m. No dealing shall be allowed on the market except during market hours.

Sec. 3. Producers may sell on the public market only cheese, butter, eggs, poultry, fruits, vegetables, and all other kinds of farm and garden produce, excluding, however, grain, flour, hay, straw and fodder. No person shall be allowed to buy and resell in said market.

Sec. 4. The market shall be under the control of the Common Council. The city sealer of weights and measures shall have jurisdiction over the market for the purpose of examining weights and measures and shall perform such other duties and employ such extra help as the Finance Committee of the Common Council shall direct in the conduct of the business relating thereto.

Sec. 5. Vendors shall pay such license fees as the Common Council may ordain, which fees shall be collected by the city sealer of weights and measures, who shall keep accurate book accounts of the same and pay over all moneys so collected to

the city treasurer and the same shall be credited to the general fund.

Sec. 6. All refuse and debris resulting from operations on the market shall be cleaned up daily by the vendors using said market as soon as possible after the closing hour of the market.

Sec. 7. All vending of products, permitted to be sold upon the market, shall be prohibited during the hours when the market is open to dealers or consumers on the city streets or alleys by producers or hucksters, except those who have regular prescribed daily routes or who supply regular customers.

Sec. 8. Any person violating this ordinance or any provision thereof shall forfeit and pay a penalty of \$50.

Sec. 9. This ordinance shall take effect immediately.

Ordinance No. 84.

Sec. 1. Each driver of a vehicle used for the conveyance of household furniture or household goods in any part of the City of Rome, except from a retail store, shall keep a record of the place from which and the place to which he moves any household furniture or household goods for any person or persons and the date or dates of such moving. Such record shall contain the street address from which the household furniture or household goods were removed and the street address or place to which they were moved, and shall also contain the name or names of the person or persons for whom the goods were removed and the name or names of the person or persons to whom the goods were delivered. Such driver shall file on Monday of each week, except Mondays which are legal holidays, and in that event upon the next business day, with the chief of police a statement containing the names, addresses and dates provided by said record to be kept.

Sec. 2. Any person violating this ordinance or any provision thereof shall forfeit and pay a penalty of \$25.00.

INDEX

OF THE

Rome City Charter

	Page
Title I. Boundaries and Civil Divisions.....	3
Title II. City and Ward Officers—Their Election and Appointment....	8
Title III. Powers and Duties of the Common Council.....	14
Title IV. City Officers—Their Powers and Duties.....	24
Title V. The Administrative Boards.....	38
Title VI. Of the Board of Public Works.....	40
Title VII. Of the Board of Water and Sewer Commissioners.....	46
Title VIII. The Board of Fire and Police.....	57
Title IX. The Board of Health.....	65
Title X. The Board of Charity.....	66
Title XI. Of Taxes and Collection Thereof.....	68
Title XII. Local Improvements and Assessments Therefor.....	89
Title XIII. The Board of Education.....	107
Title XIV. The City Court.....	111
Title XV. General Provisions	137

	Section
ACCOUNTS , method of booking	48
board of audit may investigate	60
accountants may be employed by board of audit.....	60
reports of by boards.....	72
reports of by water and sewer board.....	97
Actions , legal, to be in charge of city attorney.....	50
City may sue and be sued.....	1
commenced under former acts, how conducted.....	303
boards can not be sued.....	74
claims on contracts.....	60
for collection of water rentals.....	93
for obstructing or resisting firemen.....	116
policemen to serve processes in certain.....	120
fees to be included in certain judgments.....	123
city and school taxes may be sued for.....	155

CHARTER INDEX

Section

Actions, legal, continued	
for possession of tax-sold lands.....	168
to annul local improvement assessments limited.....	188
for violation of charter, ordinances, rules.....	251
pending in justice's or recorder's court when charter takes effect....	271
against sureties on court clerk's bond.....	277
negligence claims	60
for property owners' neglect of sidewalks.....	87
for damage or injury on streets and sidewalks.....	198
for negligence claims must be made within three months.....	282
negligence, must be commenced within one year.....	282
certain fines, etc., go to general city fund.....	297
for tort	218
civil, jurisdiction of city court.....	214
constables not to serve papers in certain actions or proceedings.....	124
see also "city court." "justices of the peace."	
Affidavits, of service and publication of notices	292
Aldermen, general duties of.....	58
terms of fifteen expire.....	4
elective officers	5
one to each ward	5
term of office	6
term of first under new charter.....	7
fines may be imposed upon by common council.....	27
each has one vote	22
compensation	21
may make arrests without warrants.....	257
as fence viewers	287
see also "common council".	
Amendment of ordinances.....	36
Appeals from local improvement assessments	186
Appointive officers, generally	5
except engineer must be residents of Rome.....	13
Appointive offices, vacancies in.....	10
removals from	18
Appointments, notices to be served.....	12
must be made without delay	46
Appropriations, how made by common council.....	39
how made by boards	70
Arrests, by whom to be made without warrants	257
Ashes, removal of	197
Assistant chief engineer, of fire department, appointment of.....	115
Assistant chief of police, appointment of.....	118
Assessments, see "assessments" under "taxes"; also under "street im-	
provements" and "storm water sewers."	
Assessment rolls, see "taxes", "street improvements", "storm water sew-	
ers".	

CHARTER INDEX

	Section
Assessors, general duties of	51
appointive	5
term of office	6
members of board of review.....	61
to make descriptions of property for unpaid taxes.....	157
to make final revision of assessments.....	157
to give notice of final review of assessments.....	157
how to assess lands sold by the city.....	170
to make description of lands to be sold for liens.....	171
clerk appointed by mayor.....	76
duties in return of jurors.....	287
see also "taxes", "street improvements", "storm water sewers".	
Attorney, city, general duties of	50
an appointive office.....	5
term of office.....	6
member of board of review.....	61
when shall act as city judge.....	235
to conduct cases for violation of charter, ordinances, rules.....	251
may examine certain witnesses in city court.....	267
Auction, sale of city real estate	39
Audits, town, fund for payment of	151
Audit, board of, general duties	60
Auditors, town	60
to audit expenses of policemen.....	121
BAIL, in city court criminal cases, 260 to	264
Ballots, required for special elections	175
Banks, to be designated by common council	48
Bastardy proceedings, how commenced	216
jurisdiction of city court.....	214
Bids, required for certain board of public works work	85
for street improvement and storm sewers.....	179
lowest bidder to be awarded contracts.....	179
rejection of for street work by board of public works.....	179
for street cleaning and snow cleaning.....	197
for removal of ashes, garbage and rubbish.....	197
Board of assessors, see "assessors" .	
Board of audit, see "audit" .	
Board of canvassers	8
Board of charity, see "charity" .	
Board of education, see "education", also "schools" .	
Board of fire and police, see "fire and police" .	
Board of health, "see health" .	
Board of public works, see "public works" .	
Board of review, see "review" .	
Board of water and sewers, see "water and sewers" .	
Boards administrative, general duties begin	66
quarters for	31
political party affiliations.....	5

CHARTER INDEX

Section

Boards ,administrative, continued	
meetings and organization of	67
may audit and pay claims.....	60
can not be sued.....	74
limitations as to creating debts (73) (288)	281
limitations as to appropriations.....	288
members of personally liable for uauthorized debts, etc.....	288
may be investigated by mayor.....	46
board of audit may investigate accounts of.....	60
instructions from common council.....	40
may be investigated by common council.....	41
regulations of may be enforced by common council.....	41
to elect presidents	68
presidents of members of board of audit.....	60
presidents of may administer oaths.....	290
compensation of members	65
official legal adviser of.....	50
clerks of all but water and sewer appointed by mayor.....	76
city court's jurisdiction over violation of rules of.....	236
actions for violations of rules, how brought.....	251
witnesses before not to be excused.....	284
how acts or resolutions may be read in evidence.....	293
reimbursements for town or county expenditures.....	299
may make preliminary or partial estimates.....	148
to make final estimates of expenses and income.....	148
form of and printing of reports.....	42
Body executions	263
Bookkeeping, general method of	48
treasurer's record of assigned assessments.....	174
Books, to be turned over to successors.....	288
Bonds for raising money, issued for water or sewer work.....	91
for sanitary sewer extensions.....	92
for additional water supply (98).....	103
payment of interest and principal on water and sewer bonds.....	104
payment of principal of old water and sewer bonds.....	105
by authority of special elections.....	175
street improvement, may include storm water sewer expense.....	182
paving bonds; seal to be used upon.....	188
errors do not invalidate certain bonds.....	196
on union free school district.....	206
sinking fund for water supply bonds.....	103
for improvement of certain highways.....	178
street improvement (special act).....	
for raising money for sewage disposal plants.....	92
Bonds, surety, failure to file causes vacancy (63).....	20
must be filed within ten days.....	20
of depository banks	48
of city engineer	54
of clerk, judge, treasurer and constables.....	63
of constables	63
of treasurer, restriction on concellation.....	154
of superintendent of water and sewers.....	90
of policemen	119
of clerk of city court.....	277
to accompany street improvement bids.....	179
of street cleaning and ashes or garbage removal contracts.....	197

CHARTER INDEX

	Section
Borrowing, powers of common council (148)	176
after approval of preliminary or partial estimate.....	148
after approval of final estimate.....	148
in anticipation of collection of taxes.....	148
in anticipation of special election levies.....	175
for additional poor funds	136
for sewage disposal plants	92
see also bonds (for raising money).	
Boundaries, city	1
wards	2
corporation tax district	3
maps of	54
Breach of the peace, trials and penalties for	243
Bridges, engineer's authority over	54
in charge of board of public works	78
in charge of superintendent of highways.....	5a
contracts for and duties of superintendent of highways.....	5a
bridge fund	82
temporary repairs of	197
CANVASS, of election returns	8
of votes at special elections	175
Casting vote, by president of common council	47
Certificates, of election	8
of result of special election	175
of appointments	14
of land sold for taxes	161
to be issued for lands sold for local improvement taxes.....	191
of result of school elections	204
of conviction in criminal cases by city court	246
of tax sales, see "collection by sale" under "taxes".	
Challenges, at special elections	175
Charges, against officers (11)	18
against elective officers by mayor	46
against policemen	119
against city hall janitor	6
against sealer of weights and measures	6
Charity, board of, general duties begin	133
commissioners appointive	5
term of office of commissioners	6
terms of first commissioners	9
clerk of appointed by mayor	76
has powers of overseers of poor	134
to choose a superintendent of charities	135
limit as to expenditures of	136
two charity commissioners may be women	139
may appoint city and other physicians	140
annual estimate to be made (136)	148
bastardy proceedings before city court	214
for additional powers and duties, see "boards".	
Charter, when it becomes operative	4
actions for violations of, how brought	251
information from witnesses as to violations of	256
city has powers necessary to enforce	279
documents from which it may be read in evidence	294
declared a "public act"	302
old acts, except water and sewer laws, repealed	303

CHARTER INDEX

	Section
Checks, certified, accompanying street cleaning contracts, etc.....	197
may accompany certain bids	179
Chief engineer of fire department, appointment of	115
Chief of police, power to appoint and duties	118
Children's court	250
City attorney, see "attorney".	
City clerk, see "clerk".	
City court, see "court".	
City engineer, see "engineer".	
City hall, controlled by common council	31
expense of from general fund	31
janitor of, see "janitor".	
City judge, see "judge", under "court".	
City sealer of weights and measures, see "sealer".	
City treasurer, see "treasurer".	
Claims, against the city	60
for damage or injury on streets or sidewalks (282)	198
Cleaning streets, sidewalks, etc.	197
Clerks, of all boards but water and sewer appointed by mayor.....	76
Clerk of city court, see "clerk" under "court".	
Clerk, county, to cancel certain tax sale certificates.....	172
to record tax sale certificates and fees therefor.....	161
Clerk, city, general duties of	49
an elective office	5
term of office	6
to execute bond	63
salary	49
may appoint deputy	49
to serve personal notices of appointment (14)	12
to report neglect to qualify	17
to certify ordinances and resolutions	28
to record ordinances	38
to present certified copies of ordinances	46
duties regarding claims against the city	60
to file and record bonds of officers	63
to cause annual reports of boards to be published	72
to sign public works warrants	83
to sign sewer extension bonds	92
to sign water extension bonds	103
to sign warrants on fire and police funds	110
to sign warrants on health fund	132
to sign warrants on charity fund	138
to copy and deliver assessment rolls to supervisors	145
to extend taxes	149
to deliver assessment rolls to treasurer by July 1	149
to sign tax warrants to treasurer	149
may act for treasurer at tax sale	162
to notify assessors of land sold by city	170
to deliver canvass of special elections	175

CHARTER INDEX

Section

Clerk, city, continued	
to report certain common council resolutions to board of public works	178
to execute paving bonds	188
duties connected with estimates of board of education	206
to make out assessment rolls for school taxes	208
duties in return of jurors	287
to certify resolutions, etc., as evidence	293
to cause to be published lists of nominations	301
custodian of election returns	8
custodian of oaths of office	12
custodian of oaths of policemen	119
assessment rolls to be filed with	143
corrected assessment rolls to be filed with	144
assessment rolls to be returned to	149
to receive treasurer's receipt for assessment rolls	154
treasurer's tax affidavits to be filed with	154
local improvement assessment rolls to be filed with	185
appeals from local improvement assessments to be filed with	186
certificates of result of school elections to be filed with	204
descriptions and maps of streets, etc., to be filed with	296
Collection of taxes, see "taxes".	
Commissioners of charity, see "charity".	
Commissioners of fire and police, see "fire and police".	
Commissioners of health, see "health".	
Commissioners of highways, see "highway commissioners".	
Commissioners of public works, see "public works".	
Commissioners of schools, see "education, board of."	
Commissioners of water and sewers, see "water and sewers".	
Committees, special, appointed by common council	58
common council, committee chairman may administer oaths	290
standing, how appointed in common council	33
Common council, general powers	34
how constituted	21
president of elective	5
clerk of	49
may designate city clerk to keep accounts	49
as a board of canvassers	8
may make its own rules	27
may fine its own members	27
form of reports and printing of same	42
to designate official papers	42
may grant franchises within the city	44
may enlarge corporation tax district	45
to designate banks as depositories and fix bonds	48
may fix penalties for violation of subpoenas of board of audit	60
to provide station house, etc.	126
power to call and conduct special elections	175
to prescribe seal for city court	275
negligence claims to be presented to	282
witnesses before not to be excused	284
may condemn lighting plants	286
chairmen of committees may administer oaths	290
how acts or ordinances of may be read in evidence	293

CHARTER INDEX

	Section
Common council, continued	
control of finances and property	30
control of expenditure of boards	30
control of city hall	31
purchases by authority of	32
may audit and pay claims	60
to make estimates of expenses	148
to make levies by May 15	148
to direct clerk's extension of taxes	149
to make settlement with treasurer	154
power to correct assessment rolls	158
authority over lands bid in by city at tax sale.....	161
shall refund invalid tax sale payments	169
to add to assessment roll lands sold by city	170
may order sale of lands for liens other than taxes	171
to assess sums voted at special elections	175
may borrow after approval of estimates	148
may borrow in anticipation of special taxes	175
may borrow in anticipation of annual taxes	176
may borrow to pay judgments	176
limited as to creating debts (281) (288)	177
to reimburse for errors in local tax sales	194
to reassess irregular local taxes	196
to assess for deficiency in local improvement taxes	196
limitations upon appropriations	288
members of personally liable for unauthorized debts	288
instructions to boards and officers	40
may regulate city officers	41
may investigate officers and boards	41
may secure witnesses and evidence	41
may enforce board's regulations	41
authority over fees of sealer	53
may prescribe fees of poundmaster	56
authority over city hall janitor	57
to regulate bonds of certain officers	63
board of public works to submit estimates to	81
power over estimates of board of public works	81a
to call special election for extraordinary public works expenditures...	84
to order sanitary sewer extensions	92
to provide for cost of sanitary sewer extensions and sewage disposal..	92
may require special water and sewer reports	97
shall adopt plans for additional water supply	99
to issue bonds for additional water supply	103
may pay or retire old water or sewer bonds (103)	105
to receive annual fire and police estimate	109
may authorize extra policemen	117
to fix health officer's salary	128
to fix expenditures of board of health	130
to fix salary of superintendent of charities	135
authority over charity funds	136
may borrow for additional poor funds	136
to fix salary of city physicians	140
to levy taxes within corporation tax district	146
board estimates to be certified to	148
to pass upon estimates in March	148
power to authorize street improvement	178
kind of paving or material subject to approval of	179
authority over storm water sewers	178
may cause house connecting drains or pipes	183
to issue paving bonds	188
to act on estimate of board of education	206

CHARTER INDEX.

Section

Common council, continued

- board of education to propose bonds to206
- board of education reports to be made to207
- to provide accommodations and supplies for court211
- meetings, how called24
- meetings, notice of24
- place of meeting25
- meetings, regular, at least once a month24
- meetings to be public25
- quorum23
- vote of members22
- tie vote in22
- standing committees, how appointed33
- special committees, how appointed58
- passage of ordinances and resolutions28
- power to restrict by ordinance and scope of ordinances35
- fines for violation of ordinances, limited to \$5029
- to pass ordinances regarding fire regulations108
- to provide for deficiency in sinking fund and interest on bonds103
- may borrow after approval of preliminary or partial estimates148
- may borrow after approval of final estimates148
- may make preliminary or partial levies148
- shall issue bonds for improvement of certain highways178
- to approve letting of contract for street improvement, etc179

Communications from the mayor 46

Compensation, see "salary".

Condemnation, power of board of public works 84

- city may acquire lighting plants286
- for additional water supply101
- power of water and sewer board92

Constables, general duties and fees 55

- elective offices5
- terms of four expire4
- term of office6
- to execute bonds63
- not serve certain legal papers124

Contempt, in city court272

Contracts, to be signed by mayor 46

- seal to be affixed to46
- claims against the city upon60
- officers not to be interested in62
- engineer not to be interested in54
- those made by boards, how executed75
- by boards, liability for limited73
- public works bids required85
- public works, to be let to lowest bidder85
- public works, bonds for85
- street, can not exceed estimates179
- street, to be approved by the common council179
- for street cleaning, ashes, garbage removal, etc.197
- for lighting, limited to five years88
- for additional water system102
- for street and storm sewers to lowest bidder179
- for certain temporary repairs by board of public works197

CHARTER INDEX.

	Section
Conveyance, of tax-sold lands	167
evidence of regularity in tax sales	167
of lands sold for local improvement taxes	193
see also "collection by sale" under "taxes".	
Corporation tax district, boundaries	3
enlargement of	45
votes on additional water supply	99
taxes to be imposed within and outside of	141
levies to be made within and outside of	146
to pay expenses of street work fronting public property	180
care and repair of sidewalks	184
constitutes union free school district	199
two assessors must reside in	51
highway taxation outside of	79
water and sewer commissioners must reside in	89
fire and police commissioners must reside in	107
for city outside of corporation tax district see "town of Rome".	
Costs, in city court matters (268)	233
in judgments against city or officers	289
Council, common, see "common council".	
Counsel, in city's legal matters (303)	50
Country, city outside of corporation tax dist., see "town of Rome".	
County of Oneida, to reimburse for expenditures for it	299
Court, city actions for construction of sidewalk	87
authority over policemen	120
certain papers not to be served by constables	124
title "City Court of Rome"	209
when to open for business	210
rooms and supplies furnished by common council (250)	211
summary and bastardy proceedings, how commenced	216
actions for tort	218
proceedings and practice	219
judgments	219
counterclaims (220) (221)	222
attorney's authority to appear	224
adjournment when plaintiff not prepared	225
verification of complaints	226
pleadings may be required in writing	226
failure to answer complaints	226
rules of practice	227
appeals from judgments (219) (234)	228
appeals in criminal actions	241
opening defaults and setting aside judgments	229
taxpayers or inhabitants not incompetent as judge, witnesses or jurors	230
may adjourn trials for not more than ninety days	231
depositions how taken in actions	232
costs and fees in civil actions (297)	233
fees to be collected and delivered to treasurer	234
criminal trials, how conducted	237
trials for intoxication (243) (239)	240
trials for violation of ordinances, etc.	240
trials for disorderly conduct or breach of the peace (240)	243
sentences may be at hard labor	244
criminal judgments to be executed by policemen, sheriff, etc.	245
vagrancy and disorderly proceedings	249

CHARTER INDEX.

Section

Court, city, continued	
children's court	250
actions for violation of charter, ordinances, rules	251
warrants and summons (252 to 256)	256
persons may be required to tell of violations	256
answers to complaints	258
proceedings in arrests and upon summons	258
bail (260 to 264)	264
recognizance (261)	262
body executions	263
executions against sureties on bail bond	264
executions on judgment for penalty	265
fees, costs and charges in criminal matters (237)	268
fees, costs and charges in criminal matters (297)	268
transfer of actions pending	271
recorder and justices to complete actions before them	271
shall have seal; design of same	275
jurors, laws governing	278
jurisdiction of city court, civil and criminal	209
over certain civil actions (236)	214
over proceedings in justice's court	214
to be exercised only in name of the court	216
marriages, solemnization of	216
territorial jurisdiction	217
when accounts of both parties exceed \$1,000	223
over criminal actions	236
exceptions in case of certain liquor law violations	236
over violation of charter, rules or ordinances	236
how criminal trials may be removed from	238
trials in cases where charter confers special jurisdiction	242
over charges of felony	248
over actions and proceedings removed from justice's court	
forms, of summons (253)	218
of warrants for charter violations, etc.	252
of undertaking for bail	260
city judge, general duties of	52
an elective office	5
term of office	6
to execute bond	63
authority over policemen	120
certain papers of not to be served by constables	124
authorized to be judge of city court	209
absence or disability of (212) (213) (235)	209
when justice of the peace to act as	
jurisdiction over actions and proceedings removed from justice's court	
qualifications of	212
salary of	212
to appoint a court clerk	212
may issue summons	218
may establish rules of practice	227
to demand fees for services	234
to certify court clerk's statement of receipts	234
may grant poor persons exemptions from fees	234
to make certificate of absence or disability	235
to inform defendants of their rights	239
to sign warrants of commitment in criminal cases	245
may release prisoners and remit fines	247
may issue warrants for charter violations, etc.	252

CHARTER INDEX.

Section

City judge, continued	
to read complaints to accused	258
to render judgment when defendant fails to appear	259
may adjourn and allow bail in trials of criminal cases	260
may administer oaths and acknowledge deeds	266
may issue subpoenas requested by mayor or chief of police	267
procedure upon forced testimony	267
to account and charge for criminal business against county	269
to keep a docket	270
may preserve order and punish for contempt	272
shall not receive moneys payable to court	274
to approve bond of court clerk	277
not incompetent because resident or taxpayer	283
special city judge, an elective office	5
term of office	6
to act in absence or disability of judge (212)	209
qualifications of	212
compensation of	212
absence or disability of (213)	235
to make certificate of absence or disability	235
may administer oaths and acknowledge deeds	266
clerk of city court, appointment of and salary	212
powers in absence of judge and acting judge	213
may issue summons	218
to receive and deliver to treasurer fees and fines (297)	234
to deliver to city clerk statement of moneys received.....	234
to keep public record of moneys received	234
may grant poor persons exemption from fees	234
to certify to absence or disability of judge and special judge.....	235
to file with county clerk certificates of conviction	246
may issue warrants for charter violations, etc.	252
may administer oaths and acknowledge deeds	266
to attend court and keep docket	273
custodian of court seal (276)	275
to give transcripts of judgments	276
to give bond	277
Court, justice's, see "justice of the peace".	
Crosswalks, street, expense of making	180
cleaning snow and ice	197
Curbing, contracts for	80
Curbs, in charge of board of public works	78
DAMAGE, claims because of negligence	60
willful to water or sewer property	94
claims caused by streets or sidewalks	198
claims, must be made within three months	282
actions, must be brought within one year	282
Debts, restrictions upon common council (281) (288)	177
persons voting for unauthorized debts personally liable.....	288
can not be contracted by engineer	54
Declination of office, by failure to file oath	12
Deeds, to be signed by mayor	46

CHARTER INDEX.

	Section
Deficiencies, in funds to be supplied from general fund.....	153
in receipts from local improvement assessments	196
Depositories for city funds	48
Deputy, city clerk	48
city treasurer	49
Disability of mayor	47
Disorderly conduct, trials and penalties for (240)	243
proceedings in city court (240)	249
Disqualification for office	19
EDUCATION, BOARD OF, to make estimates (206)	148
how constituted	199
in charge of schools in corporation tax district	199
general provision of boards apply (see also "boards")	202
present board continued in office for existing terms	203
elections for selecting members of (301)	204
terms of members of	204
vacancies, how filled	204
qualifications of members of	204
may select, remove and direct superintendent of schools.....	205
to propose to common council additional expenditures	206
to call and conduct special money raising elections	206
to issue bonds on union free school district	206
to use its own seal on bonds	206
power over expenditures limited and defined	206
to make financial reports to common council	207
see also "schools".	
Effect, when new city government goes into	4
Elections, general state law to govern	5
lists of nominations to be published	301
first under charter	4
returns, filed with city clerk	8
returns, canvass of	8
certificates of election	8
personal notice of to officers elected	12
qualifications, common council judge of its own members	27
for members of board of education	204
for superintendent of highways	5a
special for extraordinary public works expenditures	84
special, for additional water supply	99
special, to authorize extra school funds	206
special, for condemning lighting plants	286
special for extraordinary expenditures.	
common council may order by two-thirds vote.....	175
common council to make estimates of sums required	175
notice to be published	175
common council to appoint inspectors	175
mayor to fill vacancies among inspectors	175
qualifications of voters	175
elections to be by ballot; form of ballot	175
polls open from nine to four o'clock	175
challenges and oath to be taken by challenged	175
inspectors to canvass vote	175
result to be entered on common council minutes	175
common council to provide assessments	175

CHARTER INDEX.

Section

Elections, continued	
but one election a year, except by unanimous consent of common council	175
may provide for bond issues	175
common council may borrow in anticipation of levy	175
to determine system of taxation for highway purposes	304
Elective officers, except engineer, must be residents of Rome	13
Elective offices	5
vacancies in, how filled	10
removals from	11
Eminent domain, power of board of public works	84
power of water and sewer board	92
power of for additional water supply	101
city may acquire lighting plants	286
Engineer, assistant chief of fire department, see "assistant chief engineer."	
Engineer, chief of fire department, see "chief engineer".	
Engineers, may be employed by water and sewer board	90
Engineer, city, general duties	54
term of office	6
need not reside in the city	13
to make plans for sanitary sewer extensions	92
to ascertain lot frontage	180
power to clean snow and ice from sidewalks	184
to make assessments for local improvements	185
can not assess street work when interested or related to property owners	185
to give notice of completion of and hearing on local assessments	185
to prepare specifications for street cleaning, removal of ashes, garbage, etc.	197
to direct certain temporary repairs	197
street plans to be filed with	179
Equalization, of assessment rolls	145
Errors in general tax sales	169
Errors in tax sales for local improvements	194
Errors do not invalidate local improvement assessments	196
Estimates, to be made by city boards for current fiscal year	148
to be made by common council for current fiscal year	148
to be published	148
to be passed upon by common council	148
annual by board of public works	81
extraordinary for board of public works	84
by board of public works for street improvement	178
street contract can not exceed	179
for additional water supply	99
for deficiency in water revenues	104
for deficiency in sinking fund for water supply bonds	103
for sanitary sewer extension and repair	92
of common council for special elections	175
of board of education (148)	206
annual of board of health	130
annual of fire and police board	109
annual of board of charity	136

CHARTER INDEX.

	Section
Evidence , common council may require	41
how charter may be read as	294
how ordinances, rules, etc., may be read as	293
city maps, etc., as	296
Excise law violations , city court jurisdiction limited	236
Excise receipts , go to police and fire department fund	110
Exemption from taxation , of lands bid in by city	170
Executions , body	263
against sureties on a bail bond	264
upon judgment for penalty	265
Expenditures , authority of common council over	30
common council limited in (35)	177
mayor may veto separate items of	46
by boards, majority vote required	70
board of public works limited	81a
extraordinary, special elections for, see "elections".	
see also "debts", "funds", "warrants".	
Expenses of policemen , how reimbursed	121
FEES , of city clerk to belong to city	49
for collecting paving taxes	188
of county clerk for recording tax sale certificates	161
collected by treasurer to belong to city	151
for the collection of taxes	151
of treasurer for conveying tax-sold land	166
of treasurer, for collecting local improvement taxes	187
to be added to taxes on property sold for local improvements.....	190
of freeholders on appeals from assessments	186
of city court belong to city	234
of court officers acting as notaries public, etc.	266
of city court in criminal matters	268
to be charged by city court against the county	269
from excise law go to police and fire department fund	110
or policemen the same as of constables	118
of policemen may be charged county or town	123
policemen limited as to charging	121
conditions under which policemen may receive	122
of constables	55
of sealer of weights and measures	53
of pound master	56
none, except salaries, to be received by officers	62
to be included in judgments in favor of city	123
in judgments against city or officers.....	289
of witnesses to violation of charter, ordinances, rules	256
Fence viewers	287
Finances , scope of authority of common council over	30
mayor to communicate to common council regarding	46
method of bookkeeping	48
Fines , for violation of ordinances not to exceed \$50 (236)	29
of aldermen	27
for willful damage to water or sewer property	94
for violation of water and sewer rules	95
for resisting or obstructing firemen	116
to be turned over to treasurer	125

CHARTER INDEX.

Section

Fines, continued	
jurisdiction of city court in actions to recover (236)	214
collected by city court, belong to city	234
for intoxication, disorderly conduct, breach of the peace	243
may be remitted by judge	247
actions for, how brought	251
moneys from go to general fund	297
Fire department, mayor executive head of	46
taxes for to be collected in corporation tax district	141
Firemen, board of fire and police may appoint and fix salaries	114
have right of way	116
Fire regulations, how made and enforced	108
Fire and police, board of, general duties begin	107
commissioners appointive	5
terms of commissioners	6
terms of first commissioners	9
terms of commissioners expire May 1	107
commissioners must reside in corporation tax district	107
clerk appointed by mayor	76
annual estimate to be made (109)	148
authority over fire and police departments	108
power to make rules	112
limitations as to expenditures	110
power to appoint and remove its employes	115
controls fire department property	113
power to sell fire department property	111
may appoint firemen and fix salaries	114
shall appoint chief engineer	115
shall appoint assistant chief engineer	115
excise funds to go to police and fire department fund	110
one policeman to 1,500 inhabitants, and salaries	114
may appoint extra policemen	117
may dismiss policemen for intoxication	117
may appoint special policemen	117
shall appoint chief of police	118
chief of police to report to monthly	118
shall appoint assistant chief	118
shall appoint station keeper	118
to approve bonds of policemen	119
may remove policemen on charges	119
to pay and re-collect expenses of policemen	121
may charge county or towns for police services	123
authority over policemen receiving rewards, etc.	122
may recommend offering of rewards	126
power to make and enforce fire regulations for buildings	108
see also "boards", "policemen".	
police pension law	page 145
Fiscal year, begins January 1	177
all estimates to be for current	148
Fish Creek, city may take water from (100) (101)	98
Franchises common council may grant	44
officers not to be interested in	62
Frontage, to pay for street improvements	180
to pay for sidewalk improvements	184
engineer to ascertain	180

CHARTER INDEX.

	Section
Funds , to be turned over to successors	288
deficiencies in, how supplied	153
to be used only for specified purposes	82
to be kept inviolate	48
not to be overdrawn	48
depositories for	48
to be deposited daily	48
interest on money in banks	48
treasurer custodian of all city moneys	48
monthly statements by treasurer	48
annual statement by treasurer	48
monthly report of warrants drawn by city clerk	49
appropriated by the common council	39
of common council, how to be paid	43
those under control of board of public works (83) (151)	82
payments from public works funds (see also "warrants")	83
highway fund, how levied and collected	79
highway fund, disbursed by board of public works	151
temporary repairs from street repair fund	197
from paving bonds, limitation upon use of	188
of water and sewer board	91
fire and police department fund	110
excise revenues go to police and fire department fund	110
police and fire department fund	110
rewards to be paid from police and fire fund	126
poor fund	136
additional funds for board of charity	136
health fund	131
school fund; to be used only for school purposes	206
received by city attorney to be paid to treasurer	50
from which salaries of superintendents of boards shall be paid	76
general city fund, certain accountants paid from	60
fines, license fees and other moneys go to general city fund.....	297
authorized by special elections, to be used for purposes voted.....	175
for the payment of town audits	151
payment of, see also "warrants".	
GARBAGE , removal of	197
Gas pipes , engineer to supervise laying of	54
house connection compulsory for paving	183
Government, city , when charter becomes operative	4
Grade lines , maps of	54
Grading , contracts for	80
see also "street improvements".	
Guards , to protect street or storm sewer work	179
Gutters , in charge of board of public works	78
HEALTH, BOARD OF , general duties begin	127
commissioners appointive	5
terms of office of commissioners	6
terms of first commissioners	9
one commissioner to be a physician	127
general powers conferred	129
annual estimate of (148)	130
health fund	131

CHARTER INDEX.

Section

Health, board of, continued	
health officer, appointment, salary and term of	128
office attendant to act as registrar of vital statistics, when.....	128
health officer, to sign warrants on health fund.....	132
health officer, can not be city physician	140
clerk of, appointed by mayor	76
see also "boards".	
Hearings, on charges against appointive officers.....	18
on charges against elective officers	11
on proposed street improvements	178
on assessments for local improvements	185
on appeals from local assessments	186
of policemen on charges	119
of city hall janitor on charges	6
of sealer of weights and measures on charges	6
Highy-Armstrong road law, applicable to Rome	79
Highway commissioners, office abolished	4
duties transferred to board of public works	78
Highway fund, how raised and collected	79
disbursed by board of public works	151
Highways, in charge of board of public works	78
in charge of superintendent of highways	5a
assessment and taxation for (304)	79
state aid law applicable to	79
superintendent of, appointment and salary	5a
contracts for	5a
water pipes may be laid in	100
taxes for to be collected outside of corporation tax district.....	141
taxes for to be disbursed by board of public works	151
maps of	296
certain may be improved by board of public works.....	178
plans, etc., to be prepared and approved.....	178
expense of improvement, how provided for.....	178
borrowing to pay city's share.....	174
Hydrants, engineer to supervise setting of	54
see also "water and sewers"	
ICE ON SIDEWALKS, to be removed by property owners (87).....	184
after twenty-four hours engineer may clean.....	184
claims for damages on account of.....	198
cleaning before public property	197
Indebtedness, see "debts."	
Injunction, necessary for action to annul local improvement assessments... 188	
to restrain violation of ordinances.....	37
Injury, claims for because of negligence.....	60
claims for caused by streets or sidewalks.....	198
time limit on claims and actions for	282
Inspectors of election, to file returns with city clerk.....	8
for special elections	175
Interest, on money in depository banks.....	48
on water and sewer funds	91
on water supply bonds	103
on water and sewer bonds, how paid	104

CHARTER INDEX.

	Section
Interest, continued	
on paving bonds	188
rate on general tax sale certificates.....	164
rate on local improvement taxes on tax sales.....	190
Intersection, street, expense of paving	180
cleaning streets, and snow and ice on sidewalks.....	197
Intoxication, proceedings in city court for (239) (240)	243
Investigations, of officers and boards by mayor.....	46
by common council	41
Irregularities, in general tax sales.....	169
in tax sales for local improvements.....	194
in local taxes, common council to reassess.....	196
JAIL KEEPER, to execute criminal judgments.....	245
Janitor, city hall, general duties.....	57
appointive	5
term of office	6
Judge, city, see "judge" under "court"	
Judgments, against city or officers, costs, fees, disbursements.....	289
in favor of city, fees to be included in	123
in suits for city or school taxes.....	155
common council may borrow to pay.....	176
rendered in city court.....	219
Junctions, of streets or alleys; expense of street work.....	180
cleaning streets, and snow and ice on sidewalks.....	197
Jurors, how drawn in city court.....	278
not incompetent because residents or taxpayers.....	283
return of	287
Justice of the peace, office abolished	4
actions pending before	271
laws apply to city court	219
jurisdiction over actions transferred to city court.....	214
city court's territorial jurisdiction	217
city court's powers over marriages	216
Justice of the Peace (Chapter 393, Laws of 1908).	
office created .....	.....
election and term of office .....	.....
shall have office within city .....	.....
jurisdiction of .....	.....
fees .....	.....
to act as city judge when designated .....	.....
laws applicable .....	.....
appeals from judgments of .....	.....
oath of office .....	.....
actions or proceedings before may be removed to city court.....	.....
when must make return to city court .....	.....
punishment for failure to make return.....	.....
powers and duties of city court and city judge remain unimpaired....	.....
LABOR SYSTEM, of highway taxation abolished (304).....	79

CHARTER INDEX.

	Section
Lands sold for taxes, see "collection by sale" under "taxes."	
Lands sold by city, to be assessed, etc.	170
Lands owned by city, exempt from taxation.....	170
Laws, powers conferred outside of charter retained.....	279
water and sewer laws retained.....	303
Lawyers, employment by the city (303).....	50
Leases, to be signed by mayor.....	46
money from to be placed in general city fund.....	297
Legislative powers, of common council.....	35
Leveling streets, see "street improvements."	
Levies, for taxes, see "levies" under "taxes."	
Liability, power of boards and officers limited (177) (281) (288).....	73
can not be contracted by engineer.....	54
city has none for special policemen.....	117
Licenses, to be issued by mayor	46
money from to be placed in general city fund.....	297
liquor tax funds go to police and fire department fund.....	110
Liens, other than taxes, sale of lands for.....	171
taxes a lien on real estate (196).....	156
Lighting streets, in charge of board of public works.....	78
contracts for by board of public works.....	80
lighting fund	82
contracts for limited to five years (177).....	88
taxes for to be collected in corporation tax district.....	141
each year's expense of to be paid annually.....	177
plants for may be condemned by city.....	286
Lights, to protect street or storm sewer work.....	179
Liquor tax law funds, see "excise receipts."	
MACADAMIZING, see "street improvements."	
Maps, of streets, highways, sidewalks, sewers, etc. (80) (54).....	296
of water and sewer mains to be made by engineer.....	54
Marriages, power of city judge.....	216
Mayor, general duties and powers of.....	46
an elective office	5
term of office	6
may be removed by governor upon charges	11
appointments by	5
absence or disability of	47
member of board of audit	60
salary and limitation of (65)	46
to appoint clerks of certain boards	76
may remove appointive officers upon charges	18
power to sign or veto ordinances and resolutions	28
to designate boards to perform special duties	40
to direct sealer of weights and measures	53
authority over city hall janitor	57

CHARTER INDEX.

	Section
Mayor, continued	
to sign sewer extension bonds	92
to sign water extension bonds	103
may offer rewards	126
may appoint two women as charity commissioners.....	139
to sign warrants to treasurer	149
to execute paving bonds	188
may make arrests without warrants	257
may require subpoenas of city judge	267
may administer oaths	290
witnesses before not to be excused	284
Meetings, of common council, see "common council."	
of administrative boards	67
Minutes, of meetings of boards	71
Mistakes in taxes or assessments, see "irregularities."	
Mohawk river, Rome's water rights therein	106
Money system of highway taxation (304)	79
Moneys, see "funds"; also "warrants."	
NAMING STREETS, in charge of board of public works	78
Neglect, of officers to qualify (12)	17
Negligence, claims against the city.....	60
to be guarded against in street contracts	179
claims for on account of streets or sidewalks	198
claims, must be made within three months	282
actions, must be brought within one year	282
Newspapers, official, appointment of	42
ordinances to be published	28
notice of sale of city real estate.....	39
notice to enlarge corporation tax district	45
annual statement of treasurer to be published (72)	48
annual reports of boards to be published	72
advertisement for bids on public works required	85
notice of filing and inspection of assessment rolls	143
all annual estimates to be published	148
treasurer's notice of tax collection	150
assessor's notice of final review	157
tax sale notice and charge for same	160
notice of redemption of tax-sold property	165
notice of special elections	175
notice of hearing on street improvement	178
notice for street or storm sewer work bids	179
notice of completion of assessments for local improvements	185
notice of treasurer collection of local improvement taxes.....	189
local improvement tax sale advertisements	190
notice of redemption of local improvement tax-sold land.....	192
advertisements for street and snow cleaning.....	197
advertisements for the removal of ashes, garbage, etc.	197
city court rules of practice to be published	227
affidavits of publication of notices	292
lists of nominations to be published	301
Nominations, for all public offices, lists of to be published	301

CHARTER INDEX.

	Section
Notaries public, judge, special judge, court clerk have powers.....	266
Notice actual, must be given as to defective walks, etc.....	198
Notices, of appointment (14)	12
of election (12)	14
of sale of city real estate	39
to enlarge corporation tax district	45
of filing and inspection of assessment rolls	143
that treasurer will collect taxes	150
of revision and review of assessments for unpaid taxes.....	157
of tax sale	160
of redemption of tax-sold property	165
of special elections	175
of hearing on petition for street improvement.....	178
for bids for street or storm sewer work.....	179
to street railroads as to paving, etc.	181
to repair sidewalks	184
of completion and hearing on assessments for local improvements...	185
that treasurer will receive local improvement taxes (189)	188
of redemption of local improvement tax-sold land	192
service of upon corporations, tenants, etc.	291
affidavits of service and publication	292
Numbering lots on streets, in charge of board of public works.....	78
OATHS, of office must be taken and filed	12
of policemen	119
of voters at special elections	175
of clerk of city court	213
may be administered by judge, special judge, court clerk.....	266
administered by mayor, president of common council or committee	
chairmen	290
false swearing under, perjury	290
Office, terms of, generally (see also "terms")	6
Offices, no person shall hold two	13
Officers, terms of, see "terms of office".	
elective	5
appointive	5
charges against (11) (46)	18
to hold till their successors qualify	15
may be investigated by common council	41
may be investigated by mayor	46
official legal adviser of	50
board of audit may investigate accounts.....	60
to receive no compensation or advantage except salary	62
Official newspapers, see "newspapers."	
Oneida county, to reimburse for expenditures for it	299
Ordinances, scope of common council's power to enact	35
signed or vetoed by mayor	28
passage over mayor's veto	28
to be published	28
how recorded	38
fines for violation of not to exceed \$50 (236).....	29
violator may be committed to jail for failure to pay fine or penalty.	236
can not be passed on day introduced except by unanimous consent...	39

CHARTER INDEX.

	Section
Ordinances, continued	
amendment or repeal of	36
involving appropriations by common council	39
mayor's duty to enforce	46
regarding water and sewer pipes	96
regarding fire regulations	108
common council may pass to require house connecting pipes.....	183
common council may enforce obedience to	29
common council may pass to require house connecting pipes	183
those previously passed continue in force	285
common council in 1904 may adopt and carry out charter.....	285
injunction to prevent violation of	37
prosecutions for violations of (251) (236) (240).....	50
fines, etc., from to be turned over to treasurer.....	125
fines from go to general city fund	297
trials for violations of	240
jurisdiction of city court as to fines etc.	214
information from witnesses as to violations	256
witnesses of violations of not to be excused.....	284
testimony of witnesses not to be used against them.....	284
how may be read as evidence.....	293
Overseers of the poor, charity board has powers.....	134
PAPERS, to be turned over to successors in office.....	288
official, see "newspapers".	
Parks, in charge of board of public works	78
contracts for	80
park fund	82
keeping in order and cleaning snow and ice	197
temporary repairs to	197
Party allegiance, of members of boards	5
Paving, contracts for	80
engineer to supervise	54
paving fund	82
laying water and sewer pipes in connection with	96
taxes for to be collected in corporation tax district	141
see "street improvements".	
Pavements, temporary repairs to	197
Paving bonds, how issued, sold, etc.	188
see "funds"; also "warrants."	
Penalties for violating ordinances (236)	29
dismissal for intoxicated policemen	117
for policemen receiving fees, rewards or presents	122
see "fines".	
Perjury	290
Pension, police law	page 145
Permits for sanitary sewer connections	93
"Person", term includes persons, firms, corporations, etc.	295
Petitions, to board of public works for street improvement.....	178
Physicians, city and ward, appointment, term and salary of	140
one commissioner of health must be a physician	127

CHARTER INDEX.

	Section
Plans for street improvement by board of public works	178
for street work filed with engineer	179
Police , mayor executive head of	46
chief of, appointment and duties	118
earnings go to police and fire department fund	110
chief may require subpoenas by judge	267
commissioners, see "fire and police".	
Police pension law	page 145
Policemen , terms of	119
one to every 1,500 inhabitants	114
extra and special may be appointed	117
limitations as to fees	121
shall take oath and execute bond	119
services may be charged county or towns	123
conditions of receiving fees, presents or rewards	122
necessary expenses of, how paid	121
dismissal as penalty for intoxication	117
charges against, dismissal	119
have powers and liabilities of constables	120
shall execute orders of city judge	120
shall serve civil processes in city actions	120
to execute criminal judgments	245
may serve summons	254
to make arrests without warrants	257
may examine certain witnesses in city court	267
police pension law	145
Polls , for special elections	175
school elections time of opening and closing	204
Poor , care of (see also "charity")	134
regular and additional funds for	136
physicians, appointments, etc.	140
Poor person , may be exempt from city court fees	234
Pound master , general duties, fees, etc.	56
an appointive office	5
term of office	6
Powers additional to charter	1
city has those necessary to charter enforcement	279
conferred on city by other laws retained	279
of water and sewer laws retained	303
President of common council , general duties	47
an elective office	5
term of office	6
absence of	26
member of board of audit	60
member of board of review	61
limitation of salary (47)	65
shall preside at common council meetings	21
has casting vote in case of tie vote	22
to appoint standing committees	33
to sign record of ordinances	38
to sign subpoenas of common council	41
to sign warrants on common council funds	43
may administer oaths	290
certain resolutions of board of education to be certified to	206

CHARTER INDEX.

	Section
Property , how the city may acquire	1
city, control of by common council	30
city, lease and sale of	39
injury to water or sewer property	94
fire and police board may sell fire department property	111
of fire department controlled by fire and police board	113
sold for taxes, see "collection by sale" under "taxes".	
city, to be turned over to successors in office	288
Property owners , petitions for street improvement	178
Proposals , see "bids."	
Portests , against street improvement	178
Public act , charter so declared	302
Public works , board of, general duties begin	77
commissioners of appointive	5
terms of commissioners	6
terms of first commissioners	9
public works fund	82
superintendent of	80
funds under control of	83
must advertise for bids for construction of new work	85
contracts shall be let to lowest bidder	85
clerk appointed by mayor	76
estimates of to common council (148)	81
to appoint and direct the city engineer	54
may hire assistants to engineer	54
to fix engineer's salary and bond	54
to control engineer's records	54
power to acquire lands, etc.	84
special powers enumerated	80
authority over water and sewer pipes	96
has power of highway commissioners	78
to determine highway taxes (137)	79
to disburse taxes collected for highways	151
to receive and act on street improvement petitions	178
to give hearings on street improvement	178
to receive and act upon protests	178
protest by owners of majority of frontage	178
to present plans and estimates to common council	178
common council resolutions to go on minutes	178
to act on storm water sewers	178
plans to be filed with the engineer	179
street improvement bids and action thereon	179
letting of street contracts	179
to make assessments for street work	180
to prescribe and direct paving by street railroads	181
may cause house connecting drains and other pipes	183
power and duties in construction and care of sidewalks	184
to send bills for sidewalk repair and cleaning	184
to direct engineer to make assessments	185
to give hearing on, correct, sign and file assessment rolls	185
to hear and determine appeals from assessments	186
to appoint freeholders to determine certain appeals	186
to attach warrants and deliver assessment rolls	187
to certify to common council unpaid paving taxes	188
to provide for cleaning streets before public property	197
to provide for removing ashes, garbage and rubbish	197
to direct repairs to streets, bridges, sidewalks, etc.	197

CHARTER INDEX.

Section

Public works, board of, continued	
may improve certain highways, roads and streets subject to approval of common council	178.
shall cause plans, etc., to be prepared and presented to common council	178
may require common council to issue bonds for improvement.....	178
authority over streets, see "streets."	
authority over street improvement, paving, etc., see "street improvements."	
authority over bridges, see "bridges."	
authority over parks, see "parks."	
lighting contracts, funds, etc., see "lighting."	
authority over storm-water sewers, see "storm water sewers."	
authority over sidewalks, see "sidewalks."	
authority over paving, see "paving."	
see also "boards."	
Purchase, authority to make	32
power of officers limited	73
no officer to be personally interested in	62
QUALIFICATIONS, of city officers, generally	13
common council judge of its own members	27
of city attorney	50
of water and sewer commissioners	89
women may be charity commissioners	139
of city judge	212
of court clerk	212
Qualifications of voters, for city officers	16
at special elections	175
at school elections	204
Qualifying for office, and neglect to do so (17)	12
Quorum, of common council	23
of administrative boards	70
RAILWAYS, STREET, cost of street improvement	178
to pave and repair between and outside of tracks	181
existing agreement not repealed	181
Real estate, city, sale or lease of	39
general taxes, etc., a lien upon	156
sale of for taxes, see "collection by sale" under "taxes."	
taxes for local improvement a lien upon	196
Receipts to be given by treasurer for tax payments	152
to be given by treasurer for tax rolls	154
Recorder, office abolished	4
actions pending before	271
Records, common council has access to	41
of city clerk to be public	49
chief of police to keep	118
Redemption of lands, sold for general taxes, see "redemption" under "taxes."	
sold for local improvement taxes (see also "street improvements")..	192
Regulations, see "rules."	
Rejection of bids, on street work, etc.	179

CHARTER INDEX.

	Section
Removals, from elective office	11
from appointive office	18
of residence of officers from the city or a ward	13
of fire and police employes	115
for removal of others see "terms."	
Rentals for water, how established	93
proceeds of how expended	104
Repairs, temporary, to streets, parks, sidewalks, bridges, etc.	197
to school buildings or grounds	206
Repaving, see "street improvements."	
Repeal of ordinances	36
Reports, of treasurer	48
of city clerk to be made monthly	49
of boards, when to be made; to be published (42)	72
of water and sewer board	97
of board of education	207
chief of police to make monthly	118
common council may prescribe form of	42
contracts for printing	42
Resignations, how made	18
Resolutions, common council, signed or vetoed by mayor	28
passage over mayor's veto	28
become law without mayor's signature	28
making appropriations, how passed (70)	39
to be enforced by the mayor	46
Rewards, mayor may offer	126
when policemen may receive	122
paid from fire and police fund	126
Review, board of, general duties	61
to review assessments	144
to review final corrected assessments	157
to deliver corrected rolls to treasurer	157
Rubbish, removal of	197
Rules, common council may make	27
each board may make	69
for use of water and sewers	95
for protecting buildings from fire, panics, etc.	108
for fire and police departments	112
for practice of city court	227
of boards, city court's jurisdiction over violations	236
of boards, actions for violations of, how brought	251
of boards, information of witnesses as to violations	256
how may be read as evidence	293
fines from go to general city fund	297
violations of, see "actions."	
Rural portion of town of Rome, see "town of Rome."	
SALARIES, of mayor	46
of president of common council	47
of aldermen	21
of city treasurer	48
of city clerk	49

CHARTER INDEX.

	Section
Salaries, continued	
of clerks of boards, except water and sewer	76
of city attorney	50
of assessors	51
of city engineer	54
of superintendent of schools	205
of city judge	212
of special city judge	212
of clerk of city court	212
of constables	55
of city sealer of weights and measures	53
of city pound master	56
of city hall janitor	57
of supervisors	59
of superintendents of boards, paid from board funds	76
of superintendent of highways	5a
of members of boards	65
of water and sewer commissioners	89
of employes of water and sewer board	90
of fire and police employes	109
of firemen and policemen	114
of health officer	128
of superintendent of charities	135
of city or ward physicians	140
of freeholders on appeals from assessments	186
commissioners serve without pay	65
Sale of lands for taxes, see "collection by sale" under "taxes."	
for liens other than taxes	171
Sanitary sewers, see "sewers"; also "water and sewers."	
Schools, taxes for in corporation tax district	141
within the corporation tax district	199
outside of corporation tax district	200
union free school district changed	200
title to property in union free school district	201
state laws applicable to	202
taxes for school support	206
school taxes may be sued for	155
estimates of expenditures	206
expenditures over \$5,000 for building, repairs, etc., require special election	206
school fund to be used only for school purposes	206
assessment and collection of school taxes (151)	208
collection of taxes unpaid when charter goes into effect	300
taxes to be collected by treasurer	48
review of assessments (144) (157)	61
assessments and taxes a lien upon real estate	156
every assessment on real estate may be collected as herein provided ..	156
correction and review of assessments for unpaid taxes	157
assessment of taxes voted at special elections	175
special tax provisions for Thomas street school	175
see also "education, board of."	
see also "taxes."	
Seal of board of education, to be used on school bonds	206
Seal of city court (276)	275
Seal, city, city may have and alter	1
clerk, to be custodian of	49
to be affixed to contracts, and other papers	46

CHARTER INDEX.

Section

Seal, city, continued	
to be used in certifying assessment rolls	145
to be used on tax warrants to treasurer	149
to be used on paving bonds	188
to be used on tax sale conveyances	193
to be used by clerk in certifying ordinances, etc.	293
Sealer of weights and measures, general duties of	53
appointive	5
term of office	6
salary of	53
Service of notices, on corporations, tenants, etc.	291
affidavits of service or publication	292
see also "notices."	
Sewage disposal, power to build and operate plants	92
Sewers, sanitary, maps of (296)	54
taxes for to be collected in corporation tax district.....	141
house connections compulsory	183
power to build sewage disposal plants	92
see also "water and sewers."	
Sewers, storm water, see "storm water sewers."	
Sheriff, to execute criminal judgments	245
Sidewalks, maps of (296)	54
engineer to supervise improvements	54
contracts for	80
property owners to build and care for	87
collecting assessments for building	157
expense of making in front of private property	180
making and repairing in front of private property	184
snow and ice within corporation tax district	184
engineer may clean snow and ice and charge expense to property owner	184
bills for cleaning snow and ice payable in thirty days	184
assessments for cleaning snow and ice, how collected.....	184
to be assessed separately from paving or sewer	185
cleaning snow and ice in front of public property and in parks.....	197
temporary repairs of	197
for additional information regarding assessments, review of assess- ments, and the collection of taxes for sidewalks see "assess- ments and taxes" indexed under "storm water sewers", the pro- ceedings and powers being similar.	
Sinking fund, for water supply bonds in excess of constitutional limit...	103
for retirement of water and sewer bonds	103
how created and maintained	103
may be invested in securities	103
to be deposited.....	103
Snow, property owners to clean sidewalks (184)	87
after twenty-four hours engineer may clean sidewalks	184
cleaning before public property	197
claims for damages on account of	198
Special acts, authorizing issue of bonds for street improvement. (Chapter 13, Laws of 1905)	
justice of the peace, creating office, election, jurisdiction, etc. (Chap- ter 393, Laws of 1908)	

CHARTER INDEX.

	Section
Special elections, see "elections."	
Special city judge, see "special city judge" under "court."	
Squares, maps of (296)	54
in charge of board of public works	78
contracts for	80
State aid law, applicable to Rome highways (304)	79
Station keeper, appointment and duties of	118
Station house, common council to provide	126
Storm water sewers, in charge of board of public works (178)	78
engineer to supervise construction and repair	54
contracts for (179)	80
storm water sewer fund	82
not part of sanitary sewer system	92
taxes for to be collected in corporation tax district	141
authority of board of public works and common council over	178
plans to be filed with engineer	179
advertisement for and action on bids.....	179
guards and light to protect	179
contracts can not exceed estimates	179
in connection with or separate from paving, etc.	182
continuation or extension of	182
maps of (54)	296
assessments and taxes for storm water sewers.	
every assessment on real estate may be collected as herein provided	156
when sewers built separately, assessment on property benefited.....	180
board of public works to cause to be assessed (185).....	180
method of apportioning cost	180
when sewers extended previous payments to be considered.....	182
sewers may be assessed as part of street improvement.....	182
to be made by engineer	185
to be separate from paving or sidewalks	185
to be made by another when engineer is interested	185
notice of completion of and hearing on assessments	185
public examination of assessment rolls	185
signing and filing of assessment rolls	185
appeals from assessments	186
treasurer to collect taxes 30 days without fees (189)	187
actions to annul assessments limited	188
notice of collection of taxes and time for payment	189
every tax or assessment a lien on real estate (156).....	196
errors do not invalidate assessments or bonds	196
common council to reassess irregular taxes	196
payments previous to reassessment to be credited	196
surplus from reassessed taxes to be refunded	196
deficiency in assessments, how supplied	196
collection of taxes unpaid when charter goes into effect.....	300
review of assessments (144) (157)	61
correction and review of assessments for unpaid taxes	157
assignment and transfer of assessments	173
record of assigned assessments	174
assessment of taxes voted at special elections	175
assessment for storm water sewers before public property	180
for sale of lands for storm water sewer taxes see "collection of street improvement taxes" indexed under "street improvements," the proceedings being similar.	

CHARTER INDEX.

	Section
Streets, maps of (296)	54
in charge of board of public works (80)	78
cleaning, lighting, naming, number, contracts for (78)	80
discontinuance or opening of	80
street repair fund	82
water pipes may be laid in	100
property owners to keep free from obstacles half the adjoining street. .	184
cleaning in front of public property	197
temporary repairs to	197
contracts for work upon (179)	80
engineer to supervise repairs, improvements, etc.	54
taxes for to be collected in corporation tax district	141
Street improvements (including paving, grading, leveling, repaving, mac-	
adamizing or telfordizing).	
majority of property frontage may petition for	178
hearings on and notice thereof	178
protest against, how made and filed	178
protests of majority frontage bar action for a year	178
petitions for reduced sections	178
plans to be filed, with engineer	179
advertisement and action on bids	179
guards and lights to protect	179
contracts can not exceed estimates	179
engineer to ascertain frontage	180
board of public works to determine expense	180
expense before public property to be on corporation tax district.	180
railways to pave and repair between tracks, etc.	181
existing railway agreement not repealed	181
storm water sewers separate from and in connection with paving.	182
laying house connecting drains, gas and water pipes	183
proceeds of paving bonds, how to be used	188
assessments for street improvements.	
every assessment on real estate may be collected "as herein pro-	
vided"	156
taxes to be assessed in corporation tax district	141
board of public works to cause	180
method of apportioning cost	180
for laying house connecting drains and other pipes	183
to be made by engineer	185
to be separate for paving, storm sewer or sidewalk	185
to be made by another when engineer is interested	185
notice of completion of and hearing upon assessments	185
public examination of assessment rolls	185
signing and filing of assessment rolls	185
appeals from assessments	186
actions to annul assessments limited	188
reimbursed tax sale assessments to be reassessed	194
assignment of assessments for local improvements	173
every tax or assessment a lien on real estate (156)	196
small errors do not invalidate assessments or bonds	196
common council to reassess irregular taxes	196
payments previous to reassessment to be credited	196
surplus from reassessed taxes to be refunded	196
deficiency in assessments, how supplied	196
review of (144) (157)	61
assignment and transfer of assessments	173
record of assigned assessments	174
of taxes voted at special elections	175
bonds for (special act)	

CHARTER INDEX.

	Section
Collection of street improvement taxes.	
taxes to be collected in corporation tax district	141
notice that treasurer will collect taxes	188
treasurer to collect taxes for thirty days without fees	188
after thirty days collection paving bonds to be issued.....	188
paving bonds due in four annual installments	188
sale of property for local improvement taxes	190
expense of tax sale a charge on lands	190
publication of list of property to be sold for taxes	190
tax sales to be by auction	190
tax sales to continue until all property is sold	190
purchasers at tax sale to pay within forty-eight hours	191
certificates to be issued to purchasers	191
purchasers may possess lands bought at tax sale	191
redemption of lands sold for taxes	192
conveyances to be executed for unredeemed lands	193
conveyances conclusive evidence that sale was regular	193
errors in tax sale proceedings	194
reimburse tax sale assessments to be reassessed	194
surplus from tax sale, and disposal thereof	195
sharer in tax sale surplus waives rights to lands	195
of taxes unpaid when charter goes into effect	300
Street railways, see "railways".	
Subpoenas, common council may issue	41
mayor may issue	46
board of audit may issue	60
may be issued by board of public works	186
when required of judge by mayor or chief of police	267
Suits, see "actions", city may sue and be sued	1
Superintendents of boards, salary of	76
Superintendent, of charities (137) (138)	135
of highways	5a
of schools	205
of water and sewer board	90
Supervisors, general duties	59
elective officers	5
one to each ward	5
terms of five expire	4
term of office	6
assessment rolls to be delivered to	145
to give treasurer warrants for state, county and town taxes.....	151
duties in return of jurors	287
as fence viewers	287
Supervisors, board of, to levy and assess highway taxes (141) (304).....	79
powers in respect to assessment rolls and taxes	298
to audit city court charges against county	269
levies outside of corporation tax district to be made by.....	146
powers of over assessment rolls	145
to levy highway taxes (79) (304) (178)	141
to levy salary of overseer of the poor.....	134
to pay for certain police services	123
to audit certain expenses of policemen	121
to levy expense of improving certain highways.....	178
Suspension, of appointive officers pending hearing	18
of appointive officers for disqualification	19

CHARTER INDEX.

	Section
Surplus, from local improvement tax sales	195
from reassessed local improvement taxes	196
Surveys, engineer to make	54
of streets and sidewalks	80
Sweepings, contracts for removal of	197
TAXES, GENERALLY, for highways, how levied and collected (141) (304) . 79	
for highways, disbursed by board of public works	151
for sewer extensions and sewage disposal	92
for supplying water outside city	93a
for deficiency in water revenues	104
those on the entire city	141
rate not to exceed \$1.70 annually	147
town, county and state	151
for town audits apply to town orders	151
a lien upon real estate until paid	156
on lands sold by the city	170
time secured in payment of (for local improvements only)	173
powers of board of supervisors over	298
those unpaid when charter goes into effect	300
for taxes for street improvements, see "street improvements".	
for taxes for storm water sewers, see "storm water sewers."	
for taxes for sidewalks, see "sidewalks".	
for taxes for schools, see "schools."	
assessments of general city taxes, how made by assessors	51
review of (144) (157)	61
for highway taxes how made (304)	79
equalization of, see "equalization."	
a lien upon real estate	156
correction and review of for unpaid taxes	157
lands sold by the city to be assessed	170
lands acquired by the city exempt	170
other than for taxes, how enforced	171
assignment and transfer of for local improvements	173
record of assigned assessments	174
of taxes voted at special elections	175
for street improvements, see "street improvements."	
for storm water sewers, see "storm water sewers."	
for sidewalks, see "sidewalks".	
for schools, see "schools."	
see also "assessors."	
assessment rolls, manner of making	142
to be filed with city clerk	143
notice of filing and public inspection	143
review of on third Tuesday of August	144
clerk to copy, certify and deliver to supervisors	145
equalization of	145
clerk to extend and apportion taxes upon	149
to be delivered to treasurer by July 1	149
warrants to be annexed	149
to be returned by treasurer to clerk within 90 days	149
treasurer to give receipts for	154
treasurer to be charged with amount on	154
final revision and review of for unpaid taxes	157
delivery by board of review to treasurer	157
power of common council to correct	158
lands sold by city to be added to	170
assigned assessments to be marked upon	174
as voting lists for special elections	175
for school taxes (208)	206
powers of board of supervisors over	298

CHARTER INDEX.

Section

Taxes, general, continued

levies, within and without corporation tax district141
 those in corporation tax district made by common council146
 those for entire city, made by board of supervisors146
 to be made by common council by May 15148
 highway taxes levied by supervisors (304) 79
 to include sums borrowed in anticipation (148)176
 for paving, etc., before public property180
 of school taxes (208)206
 special tax provision for Thomas street school175

collection, except by sale, taxes to be collected by treasurer 48
 notice when and where treasurer will collect150
 taxes to be collected for thirty days without fees151
 fees on taxes collected after thirty days151
 town, county and state taxes151
 town collector's laws apply to town, county and state taxes.....151
 fees of treasurer to belong to city151
 treasurer to give receipts for payments152
 treasurer to be charged with amount of assessment rolls.....154
 how treasurer credits tax payment to himself154
 settlement with treasurer by common council154
 city and school taxes may be sued for155
 time on local improvement taxes173
 treasurer to collect local improvement taxes187
 treasurer to collect paving taxes188
 taxes for paving bonds, how collected188
 of school taxes (206) (155)208
 of taxes unpaid when charter goes into effect300

collection by sale

town, county and state taxes151
 treasurer to report unpaid taxes to assessors157
 assessors to make descriptions of property157
 assessors to revise assessments157
 board of review to review assessments157
 treasurer to advertise and sell lands for city and school taxes...159
 expense of tax sale a charge on lands159
 public notice of tax sale160
 tax sale to be by auction160
 tax sale to continue until lands are sold160
 purchasers to pay immediately161
 lands bid in by city161
 certificates of sale to be delivered, executed and filed.....161
 city clerk may act for treasurer at tax sale.....162
 disposal of proceeds of sale163
 tax sale gives clear title165
 conveyances and fees for same166
 conveyances evidence of regularity167
 possession of tax-sold lands168
 errors in tax sale proceedings169
 lands bid in by city exempt from taxes170
 lands sold by city to be assessed170
 of school taxes (206) (159)208
 for sale of lands for local improvement taxes see "collections"
 indexed under "street improvements."

redemption of lands sold for taxes.

of property sold for state, county or town taxes151
 disposal of surplus from sale of lands163
 when tax-sold lands may be redeemed164
 notices of redemption to be published165
 conveyance of unredeemed lands167

CHARTER INDEX.

	Section
Taxes, general, continued	
conveyances evidence of regularity	167
by owner at time of sale	172
of school taxes (206)	208
for redemption of lands sold for local improvement taxes see "collection" indexed under "street improvements."	
Telfordizing, see "street improvements."	
Temporary appointment in disqualification	19
Temporary appointment in case of disqualification	19
Terms of office, generally	6
until successors qualify	15
of officers, computed by the political year.....	280
of aldermen (6)	7
of health officer	128
of superintendent of charities	135
of superintendent of highways	5a
of superintendent of schools	205
of policemen	119
of members of board of education	204
of first commissioner of boards	9
of first members of board of education	203
of fire and police commissioners expire May 1	107
of water and sewer commissioners expire October 1	89
for terms of other officers see respective titles of such officers.	
Tie vote in common council	22
Titles, tax sale gives clear title	165
Treasurer, city, general duties of	48
an elective office	5
term of office.....	6
to execute bond	63
treasurer of water and sewer board	90
custodian of police and fire funds	110
custodian of health fund	131
custodian of poor fund	136
custodian of school funds	206
restriction upon cancellation of bond of	154
annual statement of to be published	48
to collect city taxes	150
to collect and deliver over state, county and town taxes	151
to give notice of collection of taxes	150
fees for collecting taxes	151
fees collected by belong to city	151
laws for town collectors apply	151
to collect local improvement taxes 30 days without fees (187)	189
to receive assessment rolls	149
to receive assessment roll for school taxes	208
to be charged with amount of assessment rolls	154
to give receipts for assessment rolls	154
to give receipts for all tax payments	152
common council to make tax settlement with	154
to report unpaid taxes to assessors	157
to advertise and sell lands for unpaid taxes	159
to advertise and sell lands for local improvement taxes	190
city clerk may act for at tax sale	162
to bid in lands not bid on at tax sale	161
to execute and deliver certificates of land sales	161
to pay county clerk's certificate fees	161

\ CHARTER INDEX.

	Section
Treasurer, city, continued	
to execute conveyances of tax-sold land; fees	166
to certify unpaid local improvement taxes	188
to collect by sale defaulted installments on paving bonds	188
how credited for tax receipts	154
to issue certificates for lands sold for local taxes	191
to execute conveyances for local improvement tax-sold lands.....	193
to keep a record of tax sale surplus	195
how to dispose of tax sale proceeds	163
to publish notice of redemption	165
to give receipt to owner of redeemed land	172
to pay moneys only upon warrants	43
to apply funds for town audits to town orders	151
on August 1 to supply deficiencies in boards' funds	153
to make certain land sales by direction of common council.....	171
to execute assignments of assessments	173
to keep record of assigned assessments	174
to credit to boards town or county reimbursements	299
to receive fines, revenues and police earnings	125
to place fines and certain other moneys in general fund	297
to receive money for sidewalk cleaning and repair	184
to receive and receipt for city court fees	234
to receive city court fees audited by supervisors	269
court clerk's bond to be filed with	277
how to pay from the different funds, see "warrants".	
how to credit proceeds of sale of fire department property	111
how to credit reimbursed police expenses	121
how to credit receipts for police services	123
Treasurer, county, to receive state, county and town tax collections.....	151
Trees, regulation of in public places (35)	80
Town auditors, to audit expenses of policemen	121
Town audits, in charge of board of audit	60
funds for the payment of	151
Towns, to reimburse for payments on their account	299
may be charged for police services	123
Town collectors, laws for apply to city treasurer	151
Town of Rome, outside of corporation tax district.	
highways of (see also "highways")	79
taxes imposed upon	141
separate columns for on assessment rolls	142
taxes levied and raised by board of supervisors	146
schools of	200
see "corporation tax district."	
UNANIMOUS CONSENT, in passage of ordinances	39
Union free school district, is corporation tax district	199
bonds upon	206
VACANCIES, in office generally, how filled	10
caused by failure to file oath	12
caused by removal from city or ward	13
caused by temporary disqualification	19
caused by failure to execute bonds (63)	20
in office of mayor, how filled	47

CHARTER INDEX.

Section

Vacancies, continued	
in office of president of common council	47
in office of superintendent of highways	5a
in board presidencies, how filled	68
among special election inspectors to be filled by mayor	175
in board of education, how filled	204
Vagrancy, proceedings in city court	249
Veto, power of mayor (46)	28
passage by common council over mayor's veto	28
Violations, of charter, ordinances, rules, see "court", "ordinances", "rules."	
Vote, aye and nay required for expenditures by boards	70
votes in common council, see "common council."	
Voters, qualifications of at general elections	16
qualifications of at special elections	175
qualifications of at school elections	204
WAGES, see "salaries."	
Wards, boundaries of	2
separate assessment roll for each	142
supervisors shall not change relative assessed valuation of.....	298
each regarded as a town for certain purposes	287
physicians of	140
officers of must reside in the ward	13
Warrants, on funds, how drawn on common council funds.....	43
to be filed	48
of common council to be countersigned by clerk	49
how drawn on public works fund	83
how drawn on water and sewer funds	91
how drawn on police and fire funds	110
how drawn on health fund	132
how drawn on charity fund	138
see also "funds."	
Warrants, tax, to treasurer, to be annexed to assessment rolls.....	149
for state, county and town taxes to be given to treasurer.....	151
to be attached to local improvement assessment rolls	187
for collection of school taxes	208
Warrants, legal, in criminal cases (245)	248
in cases of charter violations, etc.	252
civil, no bond required for issuing	255
Water and sewer commissioners, board of, general duties begin.....	89
how board is composed	9
commissioners appointive	5
terms of commissioners	6
terms of first commissioners	9
commissioners to reside in corporation tax district	89
terms of commissioners to expire October 1	89
board may make rules	95
reports of boards (72).....	97
superintendent of	90
superintendent to act as clerk	76
appointment of city engineer and authority over him	54
setting of hydrants supervised by city engineer	54
maps of pipes, etc., to be made by city engineer (296)	54
laying of pipes supervised by city engineer	54
commissioners may hire additional engineers and employes	90

CHARTER INDEX.

	Section
Water and Sewer Commissioners, board of, continued	
deficiency in revenue, how supplied	104
expense of maintaining water system	104
receipts	91
establishment and collection of rates for use of water	93
expense of supplying water to inhabitants within two miles of mains	93a
charge of sewer connections	93
water receipts, how to be applied	104
annual estimate to be made for "fiscal year"	148
water rates in tax sales	164
water supply may be cut off for non-payment, etc	93
contamination of water	94
additional water supply	98
may take water from Fish Creek or other streams	98
pipes may be laid in highways, etc.	100
power of condemnation for sewer purposes	92
may build sewage disposal plants	92
power of condemnation for additional water supply	101
bonds for additional water supply	103
sinking fund for payment of water bonds in excess of constitutional limit	103
sinking fund for retirement of water and sewer bonds	103
to deposit sinking fund	103
may invest sinking fund	103
may sell securities invested in	103
may supply water outside city	93a
water rights in Mohawk River	106
prosecution of pending litigation as heretofore	303
new lines and extensions of mains	92
taxes for extensions to be collected in corporation tax district	141
willful injury to property	94
buildings may be entered	93
connecting pipe on streets about to be paved	96
when house connections are compulsory (96)	183
certain laws affecting retained	303
powers in addition to charter provisions	299
see also "sewers, sanitary" and "boards".	
Witnesses, common council may compel attendance of	41
mayor may compel attendance of	46
board of public works may compel attendance	186
may be required to tell of offenses (256)	267
not to be excused from testifying	284
testimony of not to be used against	284
Women, may be appointed charity commissioners	139
taxpayers may vote at special elections	175
may be members of board of education	204
YEAR, fiscal, begins January 1	177
political, begins January 1	280

INDEX

OF ORDINANCES

Enacted by the Common Council
of the City of Rome

	Ordinance Number
Actions for violations of ordinances, rules and by-laws	69
Advertisements, scattering of on streets, etc.	57
not to be posted in certain places	66
Advertising, conveyances, hotels, etc.	14
Advertising business, must be licensed (see bill posting)	66
(see bill posting)	66
Alarm, false fire	1
Alley, see "streets."	
Animals, running at large	12
must not be fastened to trees	25
obstructing sidewalks	28
driving over pavement in process of construction	55
Animal show or performance, must be licensed	65
Aqueducts, in streets	65
Ashes, must not be placed in streets, etc., except during certain period....	50
placing of regulated by board of public works	50
piles of in street to be guarded	53
may be put in boxes or barrels	53
to be removed by contractor or board of public works	53
boxes and barrels to be removed	53
Assemblages, on sidewalks, etc.	22
Assignment, house of	7
Assignee's sale, must be licensed	64
Attorney, city, see "city attorney."	

CITY ORDINANCE INDEX.

	Ordinance Number
Auction, ringing of bells for	10
sale (8)	32
license not required for farm products or household goods	81
see also "auctioneer."	
Auctioneer, must be licensed (81)	64
must comply with laws of the state	64
must pay license fee (81)	64
license of, when expires (81)	64
license of may be revoked	64
Automobiles, traffic regulations (72) (74) (76)	77
to be equipped with mufflers	78
gases, noise and smoke prohibited	78
when to stop for street cars	77
Awnings, use of regulated	41
must be removed after notice	41
Ball, playing in streets	9
Bankrupt, sale must be licensed	64
Bar room, theatrical representations, concerts, etc., in	16
Bar, etc, ash	53
prohibited on streets	43
Bathing, in streams, etc., within corporation tax district	3
Beggar, street	8
Begging	8
Bells, ringing of	10
must be attached to sleighs, etc.	38
Bill boards	66
(see also "bill posting")	
Bills, posting of on city property prohibited	39
business of bill posting	66
(see also "bill posting")	
Bill posting, business of	66
must be licensed	66
license to be issued by mayor	66
license fee fixed by common council	66
waste paper and refuse to be removed	66
license, term of	66
license may be revoked and canceled	66
bills, posters, etc., must not be attached to trees, poles, etc	66
illegal bill boards removed by police	66
ordinance does not apply in legal notices	66
Bicycle, speed limit	30
traffic regulations	72
Board of public works, see "public works."	
Board of fire and police commissioners, see "fire and police commissioners, board of".	
Bond, to be given before granting of permission to open pavement, etc...	50
Bowling alley, running of during prohibited hours	5

CITY ORDINANCE INDEX.

	Ordinance Number
Boxes, ash	53
prohibited on streets	43
Bridges, obstruction of (26)	22
injury to	56
posting of bills, etc., on	39
Brothel	7
Buildings, not to be moved upon streets without permit	20
not to remain in street longer than two days	20
not to project over line of street, etc.	21
to be removed off streets, etc.	21
entrance to, not to be obstructed	22
posting of bills on	39
materials for in streets, etc.	43
public must not be injured	56
property must not be injured	56
in fire limits regulated	67
in fire limits to be fireproof	67
in fire limits, plans for to be approved	67
board of fire and police commissioners may grant permission to erect, repair, etc.	67
Building material, in streets, etc. (44)	43
Cannons, toy, sale prohibited	73
Carriages, without horses not to remain in streets	23
at railroad stations	36
Cartmen, subject to direction of board of public works	36
Cattle, running at large	12
Chickens, running at large	12
Chief of fire department, to inspect buildings	67
to cause removal of dangerous substances or material	67
Chief of police, to notify owner of house of prostitution	7
may direct removal of buildings on street line, etc.	21
conveyances at railroad station subject to direction of	36
may direct removal of signs across sidewalks	40
may direct removal of awnings	41
City attorney, to appear and prosecute violations of ordinances, etc.	69
City, property of, injury to prohibited (1)	56
City clerk, to license dogs	62
City directory	68
(see also "directory, city").	
City planning commission, ordinance creating, terms of members	79
Circus, must have license	65
City officers, hindering or obstructing	15
Coal, can not be scattered on pavement	52

CITY ORDINANCE INDEX.

	Ordinance Number
Combustibles, explosive, firing of	13
keeping of in city	67
Concealed weapons	71
Concerts, in bar rooms, etc.	16
public, must have license	65
Construction work, interference with guards and protection around.....	55
Conveyances, public and private	36
soliciting of passengers for	14
Common council, may grant permission to sell goods at auction	32
to fix license fee for hawkers	63
to fix license fee for auctioneers	64
to fix license fee for transient retail business	64
to fix license fee for theaters, entertainments, etc.	65
to fix license fee for bill posters	66
may compel removal of bill boards	66
Crossing, street, obstruction of by railroad	31
Crosswalks, obstruction of (24) (27)	22
excavation in	50
interference with grade line of, etc.	55
(see also "sidewalks".)	
Cutters, must have bells attached	38
Decency, outrage of public	1
Dirt, dropping of from vehicles	51
removal of from streets, etc.	61
(see also "rubbish" and "refuse.")	
Directory, city	68
canvassing for and publishing without license prohibited	68
Disorderly conduct	1
Disorderly house (7)	4
Disturbance, public	1
Diversion, improper	1
Dogs	62
must be numbered, licensed and registered	62
license fee for	62
must wear a collar	62
to be delivered to dog policemen or police department	62
dog policemen appointed by board of fire and police commissioners..	62
may be redeemed	62
fees and fines to be placed to credit of dog fund	62
unlawful to remove tag of	62
to be destroyed if not redeemed	62
owned by non-residents	62
Dog fund	62
Ducks, running at large	12

CITY ORDINANCE INDEX.

	Ordinance Number
Drains, in streets	46
obstruction of	60
(see also "sewers")	
Entertainments, certain must have license	65
Excavation, interference with guards around	55
Exhibition, of goods in streets	32
public	65
Explosives, firing of	13
must not be kept within city limits	67
to be removed	67
sale of fireworks, etc.	73
False alarm of fire	1
Fees, license, (see "license", "common council.")	
Fine may be imposed for violation of ordinances, etc.	70
not to exceed amount of penalty	70
Fire, false alarm	1
hose at, not to be driven over	18
board of fire and police commissioners may compel precautions against	67
dangerous substance or material not to be kept in city	67
dangerous substance and material to be removed	67
Fire apparatus, jumping or riding on	17
Firearms (71)	13
Firecracker, firing of	13
sale of	73
Fire department, riding or jumping on apparatus	17
may inspect or cause to be inspected buildings within city	67
Fire chief, (see "chief of fire department").	
Fire limits, boundaries of	67
wooden buildings in prohibited	67
buildings to be fireproof	67
construction of buildings in, regulated	67
plans for buildings in to be approved	67
board of fire and police commissioners to grant permission to erect	67
buildings in	67
Fire and police commissioners, board of	
to appoint dog policeman	62
to approve plans and specifications for buildings within fire limits	67
may grant permission to erect and repair buildings within fire limits ..	67
may compel precautions against fire	67
may compel removal of dangerous substance or material	67
Fireworks, sale of	73
what are legal	73
Gambling	4
Games, playing of in streets	9

CITY ORDINANCE INDEX.

	Ordinance Number
Gaming house	4
Gas, pipes in streets (46)	45
on premises or in streams	58
Geese, running at large	12
Goats, running at large	12
Goods, exhibited of in streets	33
packing and unpacking on sidewalks	34
not to be placed on sidewalks as permitted by ordinance	35
sale of by transient	64
sale of at auction	32
Grade line, interference with	55
Grease, etc., not allowed on pavement	52
Guards, interference with around street and other work	55
Guest, soliciting of	14
Gun, firing of	13
Gunpowder, firing of	13
Gutters, on unpaved streets to be kept clean	47
obstruction of	60
Hawkers, must have license	63
Hawking, must be licensed	63
without license	63
Health, disturbing or endangering public	1
Highways, removal of dirt from	61
buildings not to be moved on without permit	20
(see also "streets").	
Horses, running at large	12
in street must be securely tied	24
fastening of to trees, etc.	25
driving, speed of	29
obstructing sidewalks and crosswalks (27)	28
driving over pavements in process of construction or repair	55
traffic regulations (7)	74
Hose, driving over, at a fire	18
to be protected	18
Hydrants, not to be covered and concealed	19
Ice and snow (see "snow and ice").	
Indecent conduct	1
Indecent pictures, photographs, drawings, etc.	6
Injury to person	1
Injury to property (24) (56)	1
to sewers, drains, etc.	60

CITY ORDINANCE INDEX.

	Ordinance Number
Interference with guards and protection around construction work, etc...	56
with grade lines, etc.	55
Intoxication	2
Jumping on fire apparatus	17
Junk, license required for dealers	80
Kite, flying of in street	9
Landmark, must not be removed or injured, etc. (55)	54
Lanes, (see "streets").	
Lascivious, pictures, etc.	6
Legal notices, ordinances relating to bill posting does not apply to.....	66
Lewd pictures, etc.	6
Lewd women, entertainment of	7
procuring for purposes of prostitution	7
License, for auction sale	32
dog	62
hawking	63
auctioneer must have (81)	64
theaters, shows, circuses, etc., must have	65
for certain entertainments not required	65
bill posting, sign advertising and advertising business must have....	66
junk dealers	80
city directory	68
to carry weapons	71
Mayor, to give notice to owner or lessee of house of prostitution.....	7
may direct removal of buildings of street line	21
may grant permission to sell goods at auction	32
may direct removal of signs across sidewalks	40
may direct removal of awning	41
to issue license for hawking	63
to issue auctioneer's license	64
to issue license for transit retail business	64
to issue license for theaters, shows, etc.	65
to issue license for bill posting, etc.	66
may revoke bill posting license	66
may compel removal of bill boards	66
may grant license for canvassing for and publishing city directory....	68
may direct prosecution for violation of ordinances, etc.	69
may authorize and direct city attorney to appear and prosecute vio- lations of ordinances, etc.	69
Menageries, must be licensed	65
Mendicant	8
Merry-go-round, must be licensed	65
Monuments, in streets, must not be injured, removed, etc. (55)	54
Motorcycle, speed limit (75) (76)	30
traffic regulations (72)	74
lights on	75
mufflers	78

CITY ORDINANCE INDEX.

	Ordinance Number
Noise, (10)	11
Notice, on conviction for keeping house of prostitution	7
to remove buildings on street line	21
to remove signs across sidewalks	40
to remove awnings	41
to remove obstructions in streets (44)	43
to repair sidewalks	48
to connect with water, sewer and gas mains	49
to remove dangerous substance or material	67
Nuisance, not allowed on pavement	52
on premises or in streams (59)	58
in tenements or on lots (58)	59
in streets, etc. (58)	59
to be removed after notice	59
certain, defined	59
in sewers, drains, etc.	60
posting of bills, etc., not to create	66
Obscene, pictures, etc	6
Officers, city, hindering or obstructing	15
Oil, grease, etc., not allowed on pavement	52
delivery wagons and tanks	52
Opera, shows, etc.; must be licensed	65
Ordinances, violations of, how prosecuted	68
(see also "penalty", "violation of ordinances".)	
Papers, scattering of	57
not to be posted in certain places	66
Parks, public, driving on	37
buildings, materials, etc., in (44)	43
scattering of papers, etc., in	66
(see also "streets".)	
Passengers, soliciting of	14
Pavement, not to be opened, removed, etc., without permission of board of public works	50
bond to be given before opening of, etc.	50
oil, grease, etc., on guards and protection around	55
driving over in process of construction or repair	55
Paving, board of public works may require water and sewer connections on streets to be paved or repaved	49
Peace, disturbance of public	1
Pedlers, license for	63
Penalty, fine may be imposed instead of	70
offender may be committed to jail for failure to pay fine.....	74
(The amount of penalty is prescribed in each ordinance. For collec- tion of penalty see also Sec. 263 of the city charter).	
Performances, in bar rooms, etc.	16
Person, injury to	1

CITY ORDINANCE INDEX.

	Ordinance Number
Pictures, indecent	6
Pipes, laying of in streets (46)	45
laying of in streets under direction of board of public works	46
Pistol, firing of	13
sale of toy pistols prohibited	73
Police, chief of, (see "chief of police").	
Police and fire commissioners, board of (see fire and police commissioners, board of").	
Posting bills	66
(see also "bill posting").	
Proclamation, for public sale or auction	10
Property, injury to (56)	1
Prostitute	8
Prostitution, house of must be vacated by occupant	7
Public decency, outrage of	1
Public conveyances, subject to direction of board of public works and police	36
Public works, board of, may grant permission to move buildings on streets, etc.	20
may grant permission allowing vehicles to remain on street	23
vehicles, public conveyances and cartmen subject to direction of....	36
to cause trees to be trimmed if owner refuses or neglects	42
to certify to city treasurer expense of trimming trees	42
may grant permission to place building materials, etc., on streets, etc., (44)	43
may require removal of building materials, etc., (44)	43
laying of sewer, gas, water pipes, etc., under direction of	46
to cause unpaved streets and gutters to be cleaned	47
to repair sidewalks if owners neglect	48
may require connection with water and sewer mains	49
may grant permission to make openings, etc., in pavement	50
shall require bond before granting permit to open pavement.....	50
removal of ashes and rubbish regulated by	53
may permit removal of dirt from streets	61
Railroads and railways, street surface, speed limit	31
obstruction of crossings by	31
Refuse, not permitted on premises or allowed to be put in streams (47)...	58
(see also "ashes").	
Riding, on fire apparatus	17
Riot	1
Rocket, firing of	13
Rubbish, throwing of into sewers	60
(see also "ashes").	

CITY ORDINANCE INDEX.

	Ordinance Number
Sale, of goods by hawkers	63
auction	32
public ringing of bell, etc., for	10
Saloon, concerts, etc., bar room of	16
Sewer, pipes in streets (46)	45
board of public works may require connection with	49
obstruction of	60
interference with	60
Sheep, running at large	12
Shows, must have license	65
moving picture	65
Sidewalks, skating, sliding and sleds upon	11
obstruction of (28) (43)	22
exhibition of goods on	33
packing and unpacking of goods on	34
placing of boxes, etc., on prohibited	35
signs across	40
to be kept free from ice and snow	48
to be kept in good repair	48
repairs may be done by board of public works	48
expense of repair, how collected	48
interference with grade line stakes, etc.	55
scattering or throwing papers, etc., on	66
motorcycles not to be driven on	79
Sign advertising, business of must be licensed	66
Signs, across sidewalks	40
to be removed after notice	40
must have permission to erect	40
giving speed limit	76
Skating, upon sidewalks	11
Skating rink, must be licensed	65
Sleds, sliding upon sidewalks	11
Sleighs, must have bells attached	38
Smoke, escape of	58
Snow and ice, not to cover or conceal hydrants	19
must be removed from sidewalks	48
city engineer to remove if owner or occupant neglects	48
expense of removal a charge against owner or occupant	48
Soliciting, passengers of guests	14
Speed limit, driving horses	20
bicycle or motorcycle	30
street surface railway	31
motor vehicles (75)	76
Squibs, firing of	13
Square, driving upon	37
(see also "streets").	

CITY ORDINANCE INDEX.

	Ordinance Number
Streams, fouling of	58
Streets, playing ball games, etc., on	9
skating or sliding on	11
moving of buildings on	20
projection of buildings on	21
horses on	24
obstruction of crossings by cars, etc.	31
auction sale on	32
exhibition of goods in	33
boxes, etc., on	35
signs across	40
obstruction of by building materials, etc. (44)	43
laying of pipes in (46)	45
unpaved to be kept clean	47
gutters of to be kept clean	47
to be kept clean from ice and snow	48
to be kept in good repair by owners of property	48
repairs to may be done by board of public works	48
dirt, etc., not to be dropped on	51
oil, etc., not to be allowed on pavement	52
ashes and rubbish on	53
monuments or landmarks in, must not be removed, etc., (55)	54
interference with guards and protection around work on	55
interference with grade line, monuments, stakes, etc.	55
scattering of papers on prohibited	57
nuisance on (59)	58
removal of dirt from graded	61
hawking on	63
scattering or throwing papers, etc., on	66
Street railway, speed limit on street or highway	31
Tar, on premises or in streams	58
Theaters, must have license	65
Theatrical representation, in bar rooms, etc.	16
must have license	63
Traffic regulations (72)	74
Transient retail business, must be licensed	64
license for may be revoked	64
fees for license to be fixed by common council	64
Treasurer, city, to collect expense of trimming trees	42
dog fees and fines to be paid to	62
Trees, injury to (56)	25
ornamental and shade must be trimmed	42
to be trimmed by board of public works if owner neglects or refuses..	42
Vagrant	8

CITY ORDINANCE INDEX.

	Ordinance Number
Vehicles, without horses not to stand or remain on street	23
traffic regulations (72) (74)	77
not to remain on bridges	26
at railroad stations under direction and control of board of public works and police	36
on runners, must have bells attached	38
passing street cars	77
dirt, etc., not to be dropped from	51
oil, grease, etc., not to be dropped from	52
driving over pavements in process of construction or repair	55
 Vendors, license for	 63
 Violation or ordinances, how prosecuted	 69
fine may be imposed for	70
in default of payment of fine may be committed to jail	70
(penalty for prescribed in each ordinance). (for collection of judgment for penalty see section 263 of city charter).	
 Wagons, dirt, etc., not to be dropped from	 51
oil must be arranged to prevent dripping on pavement	52
(see also "vehicles").	
 Water, pipes in street (46)	 45
board of public works may require connection with	49
 Women, lewd	 7
 Weapons, concealed, license for, etc.	 11

1841
1000000
1000

UNIVERSITY OF ILLINOIS-URBANA



3 0112 103562713

ROME SENTINEL CO., PRINTERS, ROME, N. Y.

